

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24034 of 2019

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Manaur Alam S/o Md. Islam R/o Block Road, P.o.- Narkatiyaganj, P.s.-
Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Department of Health and Family Welfare, New Delhi
2. The Directorate General of Health Services (DGHS) Department of Health and Family Welfare, Govt. of India, through Director General of Health Services
3. The Board of Governors in Supersession of Medical Council of India through its Chairman, New Delhi
4. The National Testing Agency through its Chairperson, West Block-1, wing no. 6, 2nd Floor, R.K.Puram, New Delhi-110006
5. NITI Aayog (National Institute for Transforming India) Govt. of India through its Chairperson, South Block, Secretariat Building Raisina Hill, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Pandey, Adv.
For the Respondent/s : Mr.S.D.Sanjay (ADSG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-12-2019 Through this public interest litigation petition, the

petitioner has prayed for the following relief/s:

(I). For issuance of further order/direction or writ in the nature of Mandamus directing the respondents particularly the Central Government and NITI AAYOG to devise schemes of financing studies of such meritorious candidates who despite higher ranks in NEET_UG are not able to take admission in private medical colleges only because the exorbitant fees being charged by such private medical colleges for taking admission in MBBS courses are beyond



their paying capacity and means

(ii) For issuance of an order/direction or writ in the nature of Mandamus directing the Respondent No. 4- National Testing Agency to prepare the NEET (UG)-2020 All India Merit List as well as state wise merit list of the candidates who qualify NEET (UG)- 2020 in such a manner that number of total candidates in the NEET (UG)-2020 merit list must not comprise of more than twice or thrice the total number of available MBBS seats for the academic session 2020-21.

(iii) For issuance of an order/direction or appropriate writ for setting aside the MCI Notification dated 15.02.2012 amending “Regulations on Graduate medical Education, 1997” by which all of a sudden and in an arbitrary manner qualifying criteria for MBBS admission through NEET-UG was changed from system of percentage to system of percentile as a result of which even such candidates who secure only 13% marks in NEET (UG) examination have been admitted in MBBS courses.

(iv) For issuance of further order/direction or writ in the nature of Mandamus directing the Respondent No. 4- National Testing Agency to prepare All India Merit List as well as state wise merit list of the candidates who qualify NEET (UG)-2020 as per the qualifying criteria prescribed in MCI Notification dated 21.12.2010 which provides that “In order to be eligible for admission to MBBS course for a particular academic year, it shall be necessary for a candidate to obtain minimum of 50% (Fifty Percent) marks in each paper of National Eligibility-cum-Entrance Test held for the said academic year, However, in respect of candidates belonging to Scheduled Caste, Scheduled Tribes and Other Backward Classes, the minimum percentage marks shall be 40% (Forty Percent) in each paper and in respect of candidates with locomotory disability of lower limbs, the minimum percentage marks shall be 45% (Forty Five Percent) in each paper of National Eligibility-cum-Entrance Test....”

Learned counsel for the petitioner states that the



petitioner shall be content if the petitioner is permitted to approach the authorities concerned highlighting the issues.

As such, as prayed for, the application is permitted to be withdrawn with liberty to approach the authorities, including respondent No.2.

We are hopeful that on receipt of any such representation, the authority shall expeditiously decide the same in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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