

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16863 of 2018

Dr. Ashwini Kumar, S/o Dr. Awadhesh Kumar, R/o House No. 38, Ward No. 09, Bhola Talkies Road, Mohalla Dharampur, Samastipur - 848101 presently at A- 303, Hardev Enclave, Road No. 2B, Sanjay Gandhi Nagar, P.O.+ P.S.- Agamkuan, Dist.- Patna.

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Department of Health and Family Welfare, New Delhi.
2. Medical Council of India through its Secretary, New Delhi.
3. Central Board of Secondary Education through its Chairperson, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Pandey, Advocate
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen. Mrs. Kanak Verma, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-01-2020 The petition filed on 23.08.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief/s:

“(i) For declaring that the existing percentile system
for preparing NEET-UG merit list has compromised
with the standards of medical education at
undergraduate level which makes even such
candidates who secure zero or even negative marks
in physics and chemistry eligible to take admission



in MBBS courses and thus the percentile system has utterly failed in furthering the objective of merit-based admissions in MBBS courses.

(ii) For declaring that the existing percentile system for preparing NEET-UG merit list has compromised with the standards of medical education at undergraduate level by even making eligible the students with 13% marks to take admission in MBBS course whereas earlier (before NEET) in order to take admission in MBBS course a candidate was required to obtain a minimum of 50% marks in the pre-medical test examination.

(iii) For declaring that the existing percentile system for preparing NEET-UG merit list makes even such candidates who secure only 13% marks in the NEET-UG examination eligible to take admission in MBBS courses and thus the percentile system has utterly failed in furthering the objective of merit-based admissions in MBBS courses.

(iv) For issuance of an order (s) / direction (s) or writ (s) in the nature of Mandamus directing the respondents that number of candidates in the NEET-UG merit list must not include more than twice the number of available MBBS seats in any given academic year in the country inasmuch as the present practice of declaring result makes such number of candidates eligible to take admission in MBBS courses more than ten times the number of MBBS seats is about 60000.

(v) For issuance of an order (s) / direction (s) or writ (s) in the nature of Mandamus directing the respondents to prepare the merit list of NEET-UG in



the next academic sessions on the basis of percentage of marks secured by the candidates and not on the basis of percentile system so as to further the large public interest. And/or

(vi) To issue order(s) / direction(s) or writ(s) of appropriate nature to the respondents to start a live counseling at the National level and State level, so that the eligible candidates can choose and apply for the courses and colleges based upon availability at a particular point of time depending upon their merit list;

(vii) Pass such other order / orders which may appear fit and proper in the facts and circumstances of the instant case.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to first approach the respondents by way of a representation, which the petitioner intends to make within four weeks from today.

Learned counsel for the respondents states that without prejudice to the respective rights and contentions of the parties, such representation, if so made, shall be considered and decided, in accordance with law, within a period of three months from the date of receipt thereof.

Liberty is reserved to the petitioner to approach the Court, if the need so arises.



The petition stands disposed of withdrawn with the liberty aforesaid.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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