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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4524/2020 & CM APPL. 16324/2020

RAJESH CHOUDHARY Petitioner

Through: Mr. Sachin Mittal, Advocate.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Kirtiman Singh, Mr. Waize Ali Noor
and Mr. Rohan Anand, Advocates for
R-2/NBE.

Mr. T. Singhdev and Mr. Abhijit
Chakravarty, Advocates for R-3/MCI.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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24.07.2020

The hearing was conducted through video conferencing.

CM APPL. 16325/2020 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed-off.

CM APPL. 16326/2020 (Exemption from court fee)

3. Exemption allowed, subject to the condition that the petitioner will file the duly sworn/attested affidavit and the requisite court fee within 72 hours from the date of resumption of the regular functioning of this Court.
4. The application stands disposed-off.

W.P.(C) 4524/2020 & CM APPL. 16324/2020

5. Issue notice. The learned counsel named above accept notice on behalf of the respondents.
6. At joint request, the petition is taken up for disposal.
7. The petitioner's grievance is that despite having appeared in the Foreign Medical Graduate Examination conducted by respondent no.2/National Board of Examinations ('NBE') in December 2019, his results have not been declared.
8. According to Mr. Kirtiman Singh, the learned Standing Counsel for NBE, the petitioner would be eligible for the examination and the consequent result, only if he shows that he has a primary degree in medicine from an institute which is recognized in India. The documents submitted by the petitioner have not establish this.
9. The petitioner submits that n such specific queries were raised earlier, hence the requisite documents could not be supplied.
10. However, it is now made clear by NBE and Medical Council of India ('MCI') that the petitioner would have to show that he has qualified and holds an MBBS degree/Primary Medical Qualification or an equivalent degree for his eligibility to take the aforesaid Examination.
11. Mr. Kirtiman Singh, submits that the deficiencies were pointed out to the petitioner in NBE's communication dated 30.12.2019, which specified that "*submitted Provisional Certificate does not confirm that candidate actually passed MBBS exam*". Again on 05.02.2020 NBE informed the petitioner that "*scanned copy of original Foreign Medical Qualification Certificate, apostilled/attested by Indian Embassy is required to be uploaded*". In effect, the Certificate

uploaded did not confirm whether the candidate had passed the Basic/Primary Medical Examination.

12. In view of the above, the Court finds no reason to interfere with the order of respondent no. 2- NBE. It will be open to the petitioner to apply afresh for the next round of examinations with the requisite documents, as indicated hereinabove.
13. Respondent no. 2 shall consider the petitioner's application, as per the extant rules, when it is so made.
14. The petition, alongwith pending application, stands disposed-off in terms of the above.
15. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through e-mail

NAJMI WAZIRI, J

JULY 24, 2020

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