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

+ W.P.(C) 5478/2020 and CM Nos. 19750-52/2020

SOCIETY FOR INDIAN ACADEMY OF MEDICAL
GENETICS, A SOCIETY REGISTERED UNDER THE
SOCIETIES REGISTRATION ACT, 1860 Petitioner

Through Mr.Hrishikesh Chitale and Mr. Vijay
Kari Singh, Advs.

versus

UNION OF INDIA THROUGH ITS
SECRETARY & ORS. Respondents

Through Mr.Vikas Mahajan, CGSC with Samir
Jain, GP for R-1/UOI.

Mr.T. Singhdev and Mr.Tarun Verma, Advs. for
R-2/MCI.

Mr.Kirtiman Singh, Adv. for NEB.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

21.08.2020

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This hearing is conducted through Video-Conferencing.

1. This writ petition is filed by the petitioner seeking the following
reliefs:-

“(a) Issue an appropriate Writ, Order or Direction and hold and
declare the Schedule to The Postgraduate Medical Education
Regulations 2000 to the extent that it prescribes prior requirements
for DM Medical Genetics as Unconstitutional.

(b) Issue an appropriate Writ, Order or Direction and quash and
set aside the Notice dated 07.08.2020 issued by the National Board
of Examinations – Respondent No. 3.(Annexure “P-12”) (impugned)

(c) During the pendency and final disposal of the present
Petition, stay the effect, operation and implementation of the Notice
dated 07.08.2020 issued by the National Board of Examinations –
Respondent No. 3. (Annexure “P-12”)(impugned).”

2. The case of the petitioner is that as per the NEET-SS Information Bulletin for 2020, the feeder qualification provided for the course of Medical Genetics was MD/DNB (General Medicine), MD/DNB (Pediatrics) and MD/MS/DNB (Obstt. & Gynae). This was however modified by a notice dated 07.08.2020 whereby the prior requirement for applying for the course of Medical Genetics is any MD/MS/DNB Broad Speciality. It is pleaded that the modification in the prior requirements is illegal and is liable to be struck down.

3. Learned counsel for the respondent at the outset has stated that the petitioner is a Society and has no personal interest in the matter. It is pleaded that none of the members of the petitioner Society is also taking this examination. Hence, the present writ petition would not lie as there is no cause of action.

4. There is merit in the contention of the learned counsel for the respondent inasmuch as the petitioner Society has itself no interest in the impugned order and the notification. It is settled law that courts confine the exercise of writ jurisdiction in cases where legal wrong or legal injury is caused to the petitioner and not to a third person. Accordingly, it will be for the petitioner to take steps in this regard as per law by filing an appropriate petition.

5. Granting leave and liberty to the petitioner as above, the present petition is dismissed. Pending applications also stand dismissed.

AUGUST 21, 2020/rb

JAYANT NATH, J