

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12558 of 2021

and

W.M.P.Nos.13348 & 13350 of 2021

Mrs.Ouwshitha Surendran
Havukal Estate, Kotagiri,
The Nilgiris,
Tamil Nadu - 643 217, India.

...Petitioner

Vs.

1.National Medical Commission,
Pocket 14, Sector - 8, Dwarka Phase - 1,
New Delhi 110 077, India

2.National Board of Examinations,
Rep. By its Executive Director,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg (Ring Road),
New Delhi 110 029.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the communication of the 1st respondent dated 06.05.2021 and quash the same and consequently, directing the 1st respondent to consider the representation made by the petitioner dated 10.05.2021 on merits and in tune with the evolving knowledge systems in the world (such IELTS test for English).

For Petitioner : Mr.Srinath Sridevan

For Respondents : M/s.Shubha Ranjani
Senior Counsel (for R1)
Mr.V.P.Raman (For R2)

ORDER

The writ on hand is filed to set aside the order of rejection dated 06.05.2021 and direct the 1st respondent to consider the representation submitted by the writ petitioner on 10.05.2021.

2.The petitioner pursued her education in the Central Board of Secondary School Education in India till her Secondary School Education i.e., 10th Standard from Bhavan's Gandhi Vidyashram, Kodaikkanal, Tamil Nadu. English was a compulsory subject for 10th Standard CBSE and the petitioner performed well in her 10th Standard examination and secured Grade A1 in English. Thereafter, she continued her studies at Srilanka and English was not taught as a subject in Srilanka, wherein the petitioner continued her studies. The petitioner states that she submitted an application for admission to the Medical Course in India. The National Medical Commission rejected the application on the ground that the petitioner had not studied English subject and therefore, she is not eligible for Eligibility Certificate to participate in the Foreign Medical Graduate Examination. Challenging the said rejection order, the present Writ Petition is filed.

3.Admittedly, as per the eligibility conditions, students seeking admission, must have studied English as a subject. However, the learned counsel for the petitioner contended that as per the letter dated 13.07.2011 issued by the Association of Indian Universities, the petitioner is eligible to participate in the said examination. However, the learned counsel appearing on behalf of the 1st respondent made a submission that the 1st respondent is ready to consider the representation submitted by the writ petitioner on 10.05.2021 and take a decision with reference to the grounds raised in the said representation.

4. In view of the said submission, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 10.05.2021 and pass orders and communicate the same to the writ petitioner on or before 14.06.2021 and in the event of considering the case of the writ petitioner by the 1st respondent, the 2nd respondent shall permit the petitioner to appear for the said examination, which is scheduled to be conducted on 18.06.2021. सत्यमेव जयते

5.With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The National Medical Commission,
Pocket 14, Sector - 8, Dwarka Phase - 1,
New Delhi 110 077, India

2.The Executive Director,
National Board of Examinations,
Medical Enclave, Ansari Nagar,
Mahatma Gandhi Marg (Ring Road),
New Delhi 110 029.

+1cc to M/s.V.P.Raman, Advocate Sr.27638

W.P.No.12558 of 2021

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srg 10/06/2021



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