

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-PIL No.126 of 2022
Date of Decision: 07.12.2022**

Brij Mohan

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. R.S.Bajaj, Advocate for the petitioner.

ARUN PALLI, J.

The petitioner, who purports to have approached this Court in Public Interest, has prayed for the following relief:-

“Issue a writ in the nature of Mandamus directing the respondents to do away with the minimum age limit of 17 years prescribed for appearing in National Eligibility-Cum-Entrance Test (NEET) for admission to the Under Graduate Medical Education in the same way the upper age limit of 25 years has been done away with by the respondents themselves.”

In brief, the case set out by the petitioner is: that he is a law graduate who even practiced for a few years in District Courts, Jalandhar. However, he gave up practice and was now involved in the business of trading of stationery items and note books. It is averred that even as a Lawyer, he would help the poor and needy and would fight their cases without charging any professional fees. It was in May 2022, some students, who were pursuing Prep/Pre Medical Courses, approached the

petitioner, and discussed their problems in general. He was informed that National Medical Commission (for short 'NMC'), had fixed the lower and upper age limit for the candidates to appear in National Eligibility-cum-Entrance Test (NEET), for admission to Under Graduate Medical Courses. But w.e.f. 2022, the condition as regards upper age limit was done away with. Whereas, the condition regarding the lower age limit still exists. And, as the minimum age limit prescribed by the CBSE and ICSE Board to appear in the matriculation examination was 14 years, so, a student who qualifies 10th class at 14 would qualify 10+2 examination on attaining the age of 16 years. But owing to the lower age limit of 17 years, fixed by the NMC, such student would be ineligible to appear in NEET (UG). Thus, he/she would loose one valuable year of his academic career. They requested the petitioner to pursue the matter on their behalf with the NMC, to do away even with the lower age limit.

Accordingly, the petitioner submitted a detailed representation, dated 07.07.2022, to the NMC, with reference to the admission process followed for the Indian Institute of Technology and Indian Institute of Management courses, in particular, where no minimum age limit was prescribed. However, vide its response dated 26.09.2022, the NMC rejected the said representation: **“as of now, NMC has only approved removing upper age bar. There is no consideration for changing the lower age bar of 17 years. Hence, due step may be taken as per the regulations. This has the approval of President, UGMEB.”** It is averred that the norms/procedure/timelines that are adhered to in conducting NEET (UG) are provided under Section 10D of the Indian

Medical Council Act read with relevant regulations on graduate medical education, notified under Section 33 of the said Act and in terms of Section 14 of the National Medical Commission Act, 2019, since 2020. A reference is also made to clauses 5.1, 5.1.1 and 5.1.2 of the Information Bulletin, issued by the National Testing Agency (for short ‘NTA’), which spells out the eligibility conditions in relation to the lower and upper age limit.

We have heard learned counsel for the petitioner and perused the records.

Concededly, for admission to Under Graduate Medical Courses, NEET (UG) is being held every year by NTA since 2019. In context of the issue that is sought to be raised by the petitioner, it would be apposite, to refer to clauses 5.1, 5.1.1 and 5.1.2, of the Information Bulletin (ibid) for conducting NEET (UG) 2022:

**“5.1 Eligibility to appear in NEET (UG)
– 2022**

Eligibility for appearing in NEET (UG), as per related Regulations of NMC and DCI are as follows:-

5.1.1 He/she has completed 17 years of age at the time of admission or will complete that age on or before 31 December of the year of his/her admission to the first year of the Undergraduate Medical Course.

Accordingly, the lower age limit shall be as under:

For Candidates of General (UR)/General-EWS	Born on or before 31.12.2005
For Candidates of SC/ST/OBC-NCL/PwBD Category	

5.1.2 Upper age limit: As per letter No. U-11022/2/2022-UGMEB, dated 09 March 2022 received from National Medical Commission (NMC), Under Graduate Medical Education Board (UGMEB) regarding the upper age limit, that there should be no upper age limit as decided in the fourth NMC meeting held on 21 October 2021.”

Ex facie, the eligibility condition (ibid) in relation to the lower age limit is fixed in terms of the Medical Council of India Regulations on Graduate Medical Education. Significantly, neither clause 5.1.1 nor the relevant regulations are assailed in the petition. The relevant regulations have not been appended with the petition either. As indicated earlier, all what the petitioner has prayed for is: mandamus to direct the respondents to do away with the minimum age limit of 17 years prescribed to appear in NEET (UG) for admission to the Undergraduate Medical Courses. Thus, we wonder as to how, in the absence of any challenge to the relevant regulations and clause 5.1.1 of the Information Bulletin, the relief prayed for is even feasible. No such direction can be issued by this Court to the authorities to delete/do away with the relevant regulations or the eligibility criteria. Even otherwise, the petition is deficient of the requisite pleadings and foundation to demonstrate as to how the relevant regulations and/or clause 5.1.1 (ibid) is irrational and unconstitutional. Concededly, the petitioner is engaged in the business of trading of stationery items and note books. He purports to have met a few students in May 2022, who shared their grievances and required him to espouse their cause. Surprisingly, the names and particulars of any of those students/candidates are not revealed in the petition. Therefore, we cannot

fathom that if any candidate was genuinely aggrieved with the condition regarding lower age limit, why he/she could not approach the authorities or this Court him/herself. In the given circumstances, we are impelled to observe, that version of the petitioner does not seem to be credible. Not just that, upon being pointedly asked, if the petition at hands would even meet the requirements, envisaged under the Public Interest Litigation Rules 2010, framed by this Court, learned counsel for the petitioner failed to dilate upon this position.

And, it would be apposite to point out that in sync with the relevant regulations, notified by the regulatory bodies, NEET (UG) 2022, has already been concluded on 17.07.2022. And, even the admission process stands concluded.

In the given facts and circumstances, and as it lacks bonafides, we are dissuaded to try this petition, filed, ostensibly, in Public Interest.

The petition is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

07.12.2022

Manoj Bhutani

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No