

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.6767 OF 2023

ANIKET BHAUSAHEB LATPATE
VERSUS
THE UNION OF INDIA THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Murkute J.M.
Standing Counsel for respondent no. 1 : Mr. R.R. Bangar
AGP for the respondent – State : Mr. S.K. Tambe
Advocate for respondent no. 3 : Mr. S.K. Kadam
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 20 JULY 2023

PC :

Heard learned advocate Mr. Murkute for the petitioner, learned advocate Mr. Bangar for the Union and Mr. S.K. Kadam who appears for the respondent no. 3 – National Medical Commission.

2. The petitioner who is a resident Indian and completed his 12th standard examination in the year 2020 appeared for the National Eligibility Test cum Entrance Test (UG) - 2021 (NEET – UG) - 2021. He then took admission in Kharkiv National Medical University, Kharkiv city in Ukraine. He completed the first year of under-graduate medical course, however, after outbreak of the war, he had to come back. He now is seeking that his score in NEET – UG - 2021 should be held valid

for the ongoing admission process for undergraduate MBBS course in the country.

3. Mr. Murkute would vehemently submit that considering the unprecedented situation and due to the out-break of the war the petitioner and similarly several other such students had to come back disrupting their medical education. They are left with no choice and now are merely seeking that their score should be held valid for the three years so that they can participate in the ongoing undergraduate medical admission process.

4. He would also take us through the Medical Council of India Screening Test Regulations, 2002 which are meant for students who have completed their medical education abroad and intend to start practice in India by having a recognition. These regulations would, therefore, be not applicable to the fact situation of the matter in hand.

5. Mr. Murkute would then advert our attention to a decision of the Supreme Court in the matter of ***National Medical Commission Vs. Pooja Thandu Naresh and others; 2022 AIR (SC) 2956*** to buttress his submission that a similar view can be taken by issuing directions to the respondent – authorities to devise a policy to meet the contingency and to ameliorate the hardship being faced by the petitioner and similarly placed such students. He would submit that several directions were given to the authorities by the Supreme Court

of India as a one time measure to allow the students who had completed their clinical training abroad but were unable to undertake clinical training in India after they returned back to India again.

6. The fact situation is not similar. The petitioner is a under-graduate and wants his score at NEET – UG – 2021 to be held valid even for the ongoing process of the year 2023.

7. The learned advocate Mr. Kadam, on instructions, submits that, the petitioner's claim, in-fact, would be to the prejudice of the students who have appeared for NEET – UG – 2023 examination for last three years. The petitioner would now stand in competition with them in spite of having not appeared for NEET – UG - 2023. He would submit that by virtue of regulation 7(1) of the Regulations on Graduate Medical Education (Amendment), 2018, it is mandatory that there shall be a uniform entrance examination of all medical educational institutions at the under-graduate level, namely, National Eligibility-cum-Entrance Test (NEET) for admission to the MBBS course in each academic year. This would mean that even for the citizens who intend to study within the country, the NEET score is valid only for the current year. The petitioner is asking for something more which would result in discrimination against the students who have appeared in NEET – UG - 2023.

8. Indeed, the circumstances are overwhelming and unprecedented. We have all sympathies for the petitioner and similarly situated students but when the regulations do not permit and allow the score of NEET to be retained beyond the current year for all the students, the petitioner's request cannot be accepted for the simple reason that it would be prejudicial to the interest of the students who have actually appeared at the NEET – UG - 2023.

9. The writ petition is dismissed.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/