

30.04.2024
Sl. No.01
Suman
Ct.No.238

WPA 9508 of 2024

Dr. Debopam Mandal
Vs.
The National Board of Examinations in Medical
Sciences Medical Enclave and Ors.

Mr. Subir Sanyal
Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Mr. Sourojit Mukherjee
..for the petitioner

Mr. Indranil Roy
Mr. Sunit Kumar Roy
..for National Medical Commission

The petitioner has secured his MBBS degree from Gazi Medical College under Rajshahi University in Bangladesh. He appeared in Foreign Medical Graduate Examination held in December, 2022, which is essential for his medical practice in India.

The petitioner scored 149 out of 300. The petitioner was declared “fail” having failed to secure a minimum of 150 marks in the said examination.

The relevant part of the said examination rule is quoted below:-

“A candidate shall be declared as having passed only if he/she obtains a minimum of 150 marks out of 300 in the examination. Results (Pass/Fail) for eligible candidates will be displayed on

NBEMS website. There is no provision for re-totaling/re-evaluation.”

Mr. Sanyal, learned advocate appearing for the petitioner submits that a bare reading of the aforesaid rules will make it clear that a candidate is required to obtain at least 50% marks in the said examination and in the present case, the percentage of marks obtained by the petitioner is worked out to be 49.66%.

If the percentage of marks as obtained by the petitioner is rounded off, he would be declared “pass” in the said examination.

It appears that the petitioner made a representation before the National Board of Examinations in Medical Sciences for declaring him “pass” in the said examination. Without entering into the merits of the case, I deem it proper to grant liberty upon the petitioner to make a detailed representation before the National Board of Examinations in Medical Sciences, New Delhi to consider his prayer.

If any such representation is made within two weeks from date, the National Board of Examinations in Medical Sciences shall consider the same in accordance with law within three weeks thereafter.

Accordingly, **WPA 9508 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)