



W.P.(MD).No.16722 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16722 of 2023

S.Sathya Satheesh

... Petitioner

Vs.

The Secretary,
National Medical Commission,
Dwarka,
New Delhi, Delhi-110 077.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent herein to issue Eligibility Certificate to the petitioner by accepting the online application made before him dated 13.03.2023 by rectifying the defects or by accepting a fresh application through offline mode so as to enable the petitioner to write the Foreign Medical Graduate Examination (FMGE) on the basis of the petitioner's representation made before the 1st respondent herein in person dated 15.06.2023.

For Petitioner : Mr.B.Brijesh Kishore

For Respondent : M/s.Shubharanjani Ananth



W.P.(MD).No.16722 of 2023

WEB COPY

ORDER

This writ petition has been filed seeking to direct the respondent to issue Eligibility Certificate to the petitioner by accepting the online application made on 13.03.2023 or by accepting a fresh application through offline mode so as to enable the petitioner to write the Foreign Medical Graduate Examination (FMGE) on the basis of the petitioner's representation made before the respondent herein in person dated 15.06.2023.

2. Heard, Mr.B.Brijesh Kishore, learned counsel appearing for the petitioner, M/s.Shubharanjani Ananth, learned counsel appearing for the respondent and carefully perused the materials available on record.

3. The petitioner completed his higher secondary course in Maths - Biology during March 2015 at NVKS Higher Secondary School, Attoor, Kanyakumari District. He joined MD "General Medicine" in the academic year 2015 to 2016 at Volgograd State Medical University, Russia, and completed the said six year course during the year 2021. In view of the fact that the petitioner had completed his medical education in a foreign country, it is mandatory for him to appear for the examination, namely,



W.P.(MD).No.16722 of 2023

Foreign Medical Graduate Examination (FMGE) in order to register the petitioner's name in the National Medical Commission and to commence medical practice in India. Hence, he made an application for an eligibility certificate by registering himself through online mode vide application ID R.No.15012/022466/2023 dated 13.03.2023 by paying the requisite fee. However, to the shock of the petitioner, his application was closed for the reason cited in the column deficient remarks that the admission year of the petitioner is wrongly mentioned and the same has not been mentioned in terms of the admission letter. Without challenging the same, the writ petitioner has filed this writ petition.

4. The learned standing counsel appearing for the respondent submitted that the petitioner ought to have challenged this closure online intimation and the only way out for the petitioner is to make a fresh application rectifying the defects cited in the aforesaid closure intimation.

5. However, the learned counsel for the petitioner submitted that in terms of the current regulations, at the time of getting admission to the medical course the candidates ought to have completed 17 years of age. Precisely, the petitioner was 16 years 11 months and three days old on the



W.P.(MD).No.16722 of 2023

date of his admission to the medical course. In view of the same, the online mode will not accept his application.

6. This Court is of the considered view that the instant case is with respect to the future of the petitioner, who is intending to commence his medical practice in his motherland. In view of the same, this Court hereby direct the respondent to accept the petitioner's application in the off-line mode in this regard. The petitioner is hereby directed to make an application in the off-line mode by a registered post by rectifying the deficiency which is cited in the closure intimation within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent can pass appropriate orders in accordance with law and permit the petitioner to write the examination, if he is otherwise qualified within a period of four (4) weeks from the date of requisition from the petitioner.

7. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

15.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

Note: Issue order copy on 18.11.2024.



WEB COPY



W.P.(MD).No.16722 of 2023

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.16722 of 2023

15.11.2024