



2024:DHC:5976-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 775/2024 & C.M.Nos.45805-45806/2024**

SAVALIA RAJAN

.....Appellant

Through: Mr.Paras Joshi with Ms.Urvashi
Bhatia, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Kirtiman Singh with Mr.Waize
Ali Noor, Mr.Varun Rajwawat,
Mr.Ranjeev Khatana, Mr.Varun
P.Singh, Mr.Kartik Baijal and
Mr.Maulik Khurana, Advocates for
R-2 & 3.
Mr.T.Singhdev with Mr.Aabhaas
Sukhramani, Mr.Abhijit Chakravarty,
Ms.Anum Hussain, Mr.Bhanu Gulati,
Mr.Tanishq Srivastava, Advocates for
R-3/NMC.

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Date of Decision: 09th August, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the order dated 7th August, 2024 passed by the learned Single Judge in W.P. (C) 9402/2024 whereby the learned Single Judge upheld the email dated 18th June, 2024 sent by Respondent nos.2 and 3 thereby debarring the Appellant from appearing in the National Eligibility cum Entrance Examination (Post-Graduate) Examination, 2024 (NEET PG) scheduled for 11th August, 2024.



2. Learned counsel for the Appellant states that the Appellant completed his MBBS from University of Northern Philippines – College of Medicine, Tamag, Vigan City in 2019 and subsequently completed his compulsory rotatory internship in 2020. He states that the Appellant, considering himself to be eligible, *albeit* mistakenly, filled the application form for NEET PG 2023 on 27th January, 2023.

3. He states that on the date of issuance of admit cards for NEET PG 2023, the Appellant received an email dated 05th June, 2023 from Respondent no.2 in which Appellant was issued show cause notice and an unfair means case was registered against the Appellant on the ground that the Appellant had failed to disclose that he had not cleared the Foreign Graduate Medical Examination (FMGE). He states that on 10th June, 2023, the Appellant replied to the show cause notice stating that it was a *bonafide* mistake, for which he apologised and assured that such mistake would not be repeated in the future. He further states that on 07th August, 2023, the Appellant was informed vide email that his candidature for NEET PG 2023 has been cancelled.

4. He states that Respondent no.2 invited applications for NEET PG 2024 on 16th April, 2024, pursuant to which, the Appellant duly submitted his application. He states that on the date of issuance of admit cards, the Appellant received mail dated 18th June, 2024 from Respondent no.3 intimating that in continuation of the previous punishment, they have decided to debar the Appellant for NEET PG 2024 for the offence committed in NEET PG 2023. He states that the Appellant raised a grievance on the online communication portal of Respondent no.2 on 19th June, 2024 and also submitted a written application dated 25th June, 2024 to the Medical Commission Committee.



5. He states that the Appellant has already suffered and undergone the penalty imposed by Respondent no.2 in its decision dated 07th August, 2023 vide which the candidature of the Appellant for NEET PG was cancelled only for 2023 and the Appellant is fully entitled to appear in NEET PG 2024.

6. He states that in the email dated 07th August, 2023, it was nowhere mentioned that the Appellant would not be entitled to sit for NEET PG 2024.

7. He further states that in WPA No. 15995 of 2024, the High Court of Calcutta has extended protection to a similarly placed candidate, who was also misled by the Respondents herein qua the terms of his punishment for unfair means and was allowed to appear for the NEET PG 2024 exams subject to final disposal of the writ petition.

8. Having heard the learned counsel for the Appellant and having perused the paper book, this Court finds that the alleged misinformation by the Appellant in his application for admission to NEET PG 2023 is a serious one. The relevant extract of the application form of the Appellant for NEET PG 2023 is reproduced herein below:-

“

Medical Council Registration Details

***Medical Council
Registration Type
PROVISIONAL***

***Medical Council
Registration Number
GPR 66072***

***Name of Medical Council
GUJARAT MEDICAL
COUNCIL***

FMG EXAMINATION MARKS

***Marks obtained in
Foreign Medical
Graduate Examination
(FMGE)/Screening Test
conducted by NBEMS
(Out of 300)
196”***

***Year of Passing FMGE
06/2022***

***FMGE Roll Number
2211100620***



9. From the aforesaid, it is apparent that the Appellant has given false registration number, month as well as the year of his passing the FMGE, his marks in the said examination and the name of the Medical Council with whom he was registered. To say the least, misrepresentation by the Appellant is a serious one.

10. This Court also finds that the Examinations Ethics Committee of the Respondents vide Minutes of Meeting dated 13th June, 2023 had unanimously decided to impose the penalty of debarring the Appellant as well as similarly placed candidates from appearing '*in the next NEET PG examination conducted after the NEET-PG in which the offence has been committed*'. Consequently, the Examinations Ethics Committee had taken a decision to debar the Appellant and other similarly situated candidates from appearing in the NEET PG examination not only for the year 2023 but also for the next year i.e. 2024.

11. This Court is further in agreement with the view of the learned Single Judge that though there was a miscommunication on the part of NBEMS in communicating the decision of the Examinations Ethics Committee through the email dated 07th August, 2023, yet the same being contrary to the decision of the Examinations Ethics Committee cannot be relied upon by the Appellant.

12. Moreover, when the Court looks at the '*big picture*', it finds that the alleged misinformation (at page 455 of the paper book), as quoted hereinabove, is not an innocent or minor mistake. It borders on criminality.

13. Consequently, this Court finds no ground to interfere with the impugned judgment. Accordingly, the same is dismissed along with the applications.



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14. It is clarified that if the Appellant is eligible to sit in the next NEET PG examination, he shall be allowed to appear in the said exam in accordance with law.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 09, 2024
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Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 16.08.2024
23:10:22

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