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

+ **W.P.(C) 6439/2016 and CM APPL. 26388/2016**

BHARGAV MAYANKKUMAR JOSHI

.....Petitioner

Through: Mr. Kunal Tandon, Sr. Adv. with Mr.
Saurabh Dev Singh and Ms. Natasha,
Advs.

versus

MEDICAL COUNCIL OF INDIA

.....Respondent

Through: Mr. T. Singhdev, Mr. Anum Hussain,
Mr. Abhijit Chakravarty and Ms.
Yamini Singh, Advs for NMC.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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10.12.2024

1. An additional affidavit has been placed on record by the respondent-National Medical Council (NMC). The paragraph nos. 6 to 8 of the said affidavit reads as under:

“6. It is thus respectfully submitted that in view of the aforesaid the NMC vide its decision dated 26.11.2024 has decided that in all similar matters, wherein grant of Eligibility Certificate was rejected since the candidate had not completed 17 years of age as on 31st December of the year of admission in the Foreign Medical Institute, on account of sympathetic ground on humanitarian basis, the applications for grant Eligibility Certificate shall be reconsidered without raising the objection of not having completed 17 years of age. This relaxation is as a onetime measure, not to be treated as a precedent and keeping in view the special facts and circumstances of the present case.

7. *It is humbly submitted that in any event, all candidates who wish to*



acquire Primary Medical Qualification from Foreign Medical Institute after the amendment of 01.03.2018 have to mandatorily qualify NEET-UG, thus, the issue of candidates proceeding to Foreign Medical Institutes without attaining the age of 17 years has been adequately taken care of since the portal of NTA does not permit candidates below the age of 17 to even apply for NEET-UG. Currently, from the academic year 2019-20, NEET-UG pass certificate is considered the Eligibility Certificate for candidates wanting to take admission in Foreign Medical Institute, as well as appear in FMGE.

8. *It is respectfully submitted that thus the petitioner may be directed to approach the NMC and submit a hardcopy of the application for grant of Eligibility Certificate with all relevant documents which shall be considered in view of the aforesaid decision dated 26.11.2024 at the earliest. This is required in view of the fact that currently online applications are accepted on the website of NMC which shall not be accepted by the portal on account of the principle objection due to which the earlier application was rejected and also since the present is an old matter and currently, the file of the case is not traceable in the office of the NMC.”*

2. In view of the aforesaid, the Court directs the petitioner to approach the NMC and submit a hard copy of the application for grant of Eligibility Certificate, with all relevant documents.
3. Let the said application be considered in view of the decision dated 26.11.2024, taken by the NMC with due expedition not beyond two months from the date of receipt of the copy of the application.
4. It is needless to state that the said order is being passed under peculiar circumstances and the same is not to be treated as a precedent.
5. Accordingly, the instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

DECEMBER 10, 2024

aks/mjo