



WP NO. 31291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

W.P No. 31291 of 2024

and

WMP.Nos. 33937 & 33938 of 2024

J.Nandhinee
..Petitioner

Vs

1. The National Medical Commission
Block P Sector 8, Dwarka Phase 1,
New Delhi- 110 077.

2. National Board Of Examination
Rep By Executive Director Medical Enclave,
Ansari Nagar, Mahatma Gandhi Marg,
New Delhi-110 077.

...Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, calling for the records pertaining to the communication of the 1st respondent in R.15012/006245/2021-Regn dated 30.11.2021 and quash the same and consequently directing the 1st respondent to issue the eligibility certificate to the petitioner.

For Petitioner: M/s.Reshmi Christy

For Respondents: Mrs.Subharanjani Ananth, Standing
Counsel - R1

Mr. J.Hari Krishna - R2



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ORDER

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Writ Petition is filed for issuance of a writ of Certiorarified Mandamus, calling for records of the 1st respondent in the communication dated 30.11.2021, to quash the same, and consequently to direct the 1st respondent to issue the eligibility certificate to the petitioner.

2. The petitioner completed her Doctor of Medicine degree in Malaysia during the period from 2016-2021. The petitioner submitted applications from 2021 to 2024 to the 1st respondent seeking an eligibility certificate to appear for FMGE. However, the 1st respondent continuously rejected all the applications, including the last and on 30.11.2021, on the ground that the petitioner had not studied English as separate subject in her 11th and 12th standards. Aggrieved by the same, the petitioner filed the present writ petition.

3. The respondent filed counter affidavit stating that the writ petition is not maintainable as the petitioner had suppressed material facts and also on the ground of delay. According to the respondent, the petitioner did not study 11th and 12th standards with the mandatory subjects, as per the statutory regulations, and therefore, the petitioner was not entitled for the eligibility certificate, which



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was mandatory for appearing for the screening test.

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4. The respondent further submitted that the petitioner ought to have passed the qualifying examination i.e the 10 +2 examination (Class 11th & 12th) from India or an equivalent examination from abroad, and fulfilled the eligibility criteria for admission to the MBBS Course in India, as prescribed under the Graduate Medical Education Regulations, 1997.

5. According to the respondents, the petitioner ought to have undergone regular, co-terminus/simultaneous teaching and training in the subjects of Physics, Chemistry and Biology/Biotechnology during her Senior Secondary Education (10+2). Since the petitioner had not studied English as a subject, she was deemed ineligible, and hence, her request for the eligibility certificate was rightly rejected by the respondents.

6. Heard both sides and perused the materials available on record.

7. The facts are undisputed. The petitioner underwent a medical course (Doctor of Medicine) abroad and applied for an eligibility certificate to appear



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for the Foreign Medical Graduate Examination conducted by the 2nd respondent. The petitioner's application was rejected on the ground that petitioner had not studied English as a subject in her 11th and 12th standards. According to the respondents, the petitioner violated Chapter II Clause 4(a) of the Eligibility Certificate Regulation, 2002.

8. The petitioner contends that, having completed MBBS Course, rejection of her application on the ground that she did not study English as a Subject in her 11th and 12th standards would cause her great prejudice.

9. Earlier, this Court directed the learned counsel for the 1st respondent/ NMC to explore the possibilities of the petitioner studying English as an additional subject for the purpose of obtaining the eligibility certificate.

10. Pursuant to the aforesaid directions of this Court, the learned counsel for the 1st respondent, on instructions, submitted that NMC was not opposed to considering study of English as an additional subject after 12th standard for issuing Eligibility Certificates. The learned counsel for the 1st respondent on the basis of the Public Notice of the 1st respondent, 22.02.2025, submitted that the students were permitted to study the additional subjects from NIOS (National Institute of Open Schooling) with a condition that the said study needs to be



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carried out from any authorised institution. Learned counsel for the respondent further submitted that if the petitioner after completion of her studies applies for eligibility test certificate, the respondent would consider the request.

11. In view of the submissions made by the learned counsel for the respondent, the learned counsel for the petitioner restricted the relief and submitted that it would suffice if appropriate directions are issued to the respondents in line with the stand taken by them before this court. The learned counsel further submitted that pursuant to the interim directions of this Court dated 15.11.2024, the petitioner appeared for FMGE examinations, but the results were not declared.

12. In view of the aforesaid submissions of the learned counsels, I am inclined to issue the following directions;

- i. The petitioner is directed to study English as additional subject through NIOS (National Institute of Open Schooling) in one of the authorised institutions.
- ii. After completion of the said additional subject, the petitioner is permitted to apply afresh to the 2nd respondent for issue of the eligibility certificate.



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iii. On receipt of such application, the respondent shall consider the same and issue the eligibility certificate to the petitioner, within a period of four(4) weeks from the date of the application.

iv. The respondents shall thereafter declare the FMGE results of the petitioner.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

29-04-2025

ak/dsn

To

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