



W.P.(MD).No.32501 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.32501 of 2025

Sampath Gowri

Vs

... Petitioner

1.The National Medical Commission (NMC)

Rep by its Secretary,
Pocket 14, Sector 8
Dwarka Phase I,
New Delhi 110077.

2. The National Testing Agency (NTA)

Rep by its Director General,
Block C-20/1A/8,
Sector 62, Noida 201309

3.The Union of India

Represented by the Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi 110011.

4. The State of Tamil Nadu

Rep by its Principal Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai 600009.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents from insisting upon qualification in the National Eligibility-cum-Entrance Test (NEET-UG) as a pre-condition for recognition of eligibility in respect of the petitioner's daughter, Ms. Neeharika Gunasekaran, who was admitted to the MBBS course in the Republic of Kazakhstan in the year 2020 under the one-time COVID relaxation and has since successfully completed her MBBS degree on 18.07.2025.

1. Direct the Respondents to permit the petitioner's daughter to register and appear for the Foreign Medical Graduate Examination / National Exit Test and to take all consequential steps for recognition of her qualification in India.

For Petitioner	: Mr.H.Mohamed Ashick
For R1	: Mr.R.Thirunavukarasu Standing Counsel
For R2	: Mr.P.Karthick Standing Counsel
For R4	: Mr. P.T.Thiraviyam Government Advocate.

ORDER

The present Writ Petition has been filed by the mother of the Medical Graduate, who had undergone medical education in Kazakhstan seeking a mandamus forbearing the respondents from insisting upon qualification in



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the National Eligibility-cum-Entrance Test (NEET-UG) as a pre-condition for recognition of eligibility in respect of the petitioner's daughter.

2. The petitioner's daughter got admission to the MBBS course in the Republic of Kazakhstan in the year 2020. On 04.09.2020, the Board of Governors in Supersession of Medical Council of India has issued a public notice to the effect that those who are pursuing medical education abroad in the academic year 2020 or 2021 can join the said course without passing NEET examination. However, they were instructed to clear the said examination either by appearing the NEET examination to be conducted in the year 2020 or 2021. The said Notification further stated that foreign students, in case if they were not successfully clearing the NEET examination in the year 2020 or 2021, they were pursuing the medical education abroad on their own risk. It has further notified that in case of failure to clear the NEET examination in the above said years, they will be ineligible for appearing in the Screening test and thereby would not be entitled for grant of Provisional/Permanent Registration by the concerned State Medical Council.



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3. The petitioner's daughter had appeared in the NEET examination in September 2021 but was unsuccessful. Thereafter, she has not taken any steps to appear for the NEET examination in the subsequent years.

4. According to the learned counsel appearing for petitioner, the petitioner's daughter has completed the Medical Education abroad and now she has not been permitted to appear for the screening test on the ground that she has not cleared NEET examination. He further submits that the petitioner has spent several lakhs of rupees in pursuing education abroad and she is now ready to appear for the NEET examination to be conducted in the year 2026. He further submits that in case of successful clearing the NEET examination, she may be permitted to appear for screening test.

5. Per contra, learned counsel appearing for the respondents submits that one-time exemption was granted to those candidates who have chosen to get admission in the foreign medical institutions during the Covid-19 pandemic, and they were forewarned of the consequence of not clearing the NEET examination held in September 2021. Despite this, the petitioner's daughter has chosen to continue her education at Kazakhstan and, therefore,



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she cannot now claim or expect the Medical Council to condone her failure to clear the NEET examination.

6. Heard both sides.

7. The Notification dated 04.09.2020 was issued by the Board of Governors in Supersession Medical Council of India. Paragraph No.2 is extracted as follows:

“Now the Council is in receipt of fresh petitions/several representations on the same issue. By way of this Public Notice it is clarified that any Indian Citizen/Overseas Citizen of India intending to pursue Primary Medical Qualification (MBBS) or its equivalent) from academic session commencing from August 2020 onwards is required to qualify NEET either in 2020 or 2021. Further such persons must fulfil the criteria as provided in the “Eligibility Requirement For Taking Admission In An Undergraduate Medical Course in a Foreign Medical Institution Regulations, 2002” as well as “the Screening Test Regulations, 2002” read with “Regulations on Graduate Medical Education,



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1997” for admission to MBBS course. This exemption is a one-time measure for such candidates in view of COVID-19 Pandemic and it is incumbent upon them to qualify NEET-UG in 2020-21. In case, such candidates fail to qualify NEET UG in 2020 or 2021, their decision to continue Foreign Medical Education shall be at their own risk. This will make them ineligible for appearing in the Screening test and thereby would not be entitled for grant of Provisional/Permanent Registration by the concerned State Medical Council.

8. In view of the aforesaid notification, it is clear that the petitioner’s daughter had not passed the NEET examination in the year 2020 or 2021. Since she has already known the consequences of not clearing the NEET examination, the petitioner's daughter cannot now claim any legitimate expectation from the Medical Council of India.

9. In view of the above said facts, there are no merits in the writ petition and the petitioner's daughter has not chosen to challenge the Public Notice issued by the Board of Governors in Supersession of Medical Council



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of India, dated, 04.09.2020 and hence, direction cannot be issued.

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Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

02.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Secretary,
National Medical Commission (NMC)
Pocket 14, Sector 8, Dwarka Phase I,
New Delhi 110077.
2. The Director General,
National Testing Agency (NTA)
Block C-20/1A/8, Sector 62, Noida 201309
- 3.The Secretary,
Ministry of Health and Family Welfare,
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4. The Principal Secretary,
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