



**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-19438-2025

Date of Decision: 10.09.2025

NEELAM

...PETITIONER

Vs

THE NATIONAL MEDICAL COMMISSION OF INDIA AND
ANOTHER ...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present:- Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Ravi Sharma, Advocate
for the respondents.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. The instant petition has been filed by the petitioner claiming parity with the order dated 28.07.2023 passed by the Single Bench of the High Court of Judicature for Rajasthan at Jodhpur in S.B. Civil Writ Petition No.15807-2021 titled as '*Naresh Beniwal v. National Medical Commission of India and another*' wherein the following directions have been issued:-

“26. After completing the said course, the petitioner had applied for the eligibility certificate before the respondents in light of notice dated 15.03.2022, however, the petitioner has been denied eligibility certificate on the ground that the petitioner does not fulfill the minimum eligibility of having

attained the age of 17 years. The respondents had issued a public notice dated 07.10.2013 by which, the requirement of the eligibility certificate was dispensed with by the Indian Medical Council (Amendment First and Ordinance Second, 2013). In the said public notice, the executive of the Council decided to restart issuance of the eligibility certificate w.e.f. Academic Year, 2016-2017 however, the petitioner took admission in the medical course in the Academic Year 2015-2016 when the requirement of obtaining eligibility certificate stood dispensed with and was revived for the Academic Session 2016-2017, thus, the petitioner was under the impression that he would not be required to obtain the eligibility certificate as he had taken admission in the medical course in the Academic Session 2015-2016 and therefore, the mandatory requirement of having minimum age of 17 years at the time of admission would not be an impediment for him.

27. It is an admitted position that if the petitioner is not issued eligibility certificate on account of completion of the aforesaid course, then, the petitioner would not be able to participate in the Foreign Medical Graduates Examination and would not be issued the due license to practice and the course undergone by the petitioner at V.N. KARAZIN KHARKIV NATIONAL UNIVERSITY, Ukraine' would be a futile exercise and the period of six years spent by petitioner as well as his efforts would be in vain. The petitioner has completed his course of six years and he was only falling short of 180 days (approx.), in having attaining the age of 17 years.”

2. While entertaining the present writ petition, this Court vide order dated 23.07.2025 had passed the following order:-

“Learned counsel, appearing for the respondents Medical Commission of India (NMCI), is directed to file an affidavit in response to this petition which appears to be covered by the decision dated 28.07.2023 rendered by learned Single Bench of the High Court of Judicature for Rajasthan at Jodhpur in S.B. Civil Writ Petition No. 15807/2021 titled Naresh Beniwal Vs The National Medical Commission of India and another.

As prayed for, list on 08.08.2025.”

3. Learned counsel for the respondent(s), on instructions, informs the Court that the order of the Single Bench of the High Court of Judicature for Rajasthan at Jodhpur passed in S.B. Civil Writ Petition No.15807-2021 has been implemented and there is no further challenge to this order.

4. It is otherwise undisputed that the petitioner has already completed 6-year MBBS Course and the issue that survives now is as to whether he would be denied the Eligibility Certificate only because at the time of her initial admission to MBBS Course, she was below 17 years of age. The petitioner was short by few months from the minimum prescribed age of 17 years.

5. We find that the controversy raised in the instant matter is similar to the one which was adjudicated by the Rajasthan High Court. Since the judgment of the Rajasthan High Court has not been carried in appeal and has been implemented, we do not find any justification for this Court to take a different view in the matter.

6. In that view of the matter, the instant writ petition is **allowed**

in terms of the order dated 28.07.2023 passed by the Single Bench of the High Court of Judicature for Rajasthan at Jodhpur in S.B. Civil Writ Petition No.15807-2021.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[ROHIT KAPOOR]
JUDGE**

SEPTEMBER 10th, 2025
Rahul Joshi

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|------------------------------|--------|
| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |