



\$~86

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

+ **W.P.(C) 12597/2025 & CM APPL. 67114/2025**

NIBEDITA GHOSE

.....Petitioner

Through: Mr. Azeem Mehmood Alvi, Mr. Dibyayan Banerji and Mr. Mohammad Qaisar Alvi, Advocates.

versus

UNION OF INDIA THROUGH ITS SECRETARY MINISTRY OF HEALTH AND FAMILY WELFARE & ORS.Respondents

Through: Mr. Sahaj Garg, SPC and Mr. Rudra Paliwal, G.P for R-1.

Ms. Manisha Agrawal Narain and Mr. Nipun Jain, Advocates for R-2.

Ms. Ruchira Gupta and Ms. Pooja Tripathi, Advocates for R-3 and R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

01.12.2025

%

1. This writ petition is filed on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“a) Issue a writ of mandamus or any other appropriate writ directing the Respondent No.2 to forthwith process the application of the Petitioner for grant of Eligibility Certificate and issue the same without any further delay.

b) Direct the Respondent to permit the Petitioner to appear in the next scheduled Foreign Medical Graduate Examination (FMGE), without prejudice to her rights, pending issuance of the Eligibility Certificate.

c) Declare that the demand of submission of an OCI Card from the Petitioner, who is a citizen of India under Section 5(1)(c) of the Citizenship Act, 1955, is arbitrary, illegal and without the authority of



law.”

2. Counter affidavit of Respondent No. 2/NMC is not on record. Learned counsel for NMC submits that counter affidavit could not be filed on account of a fire in the office of NMC last week. However, this does not explain why the counter affidavit was not filed from August, 2025 until the last week. Be that as it may, learned counsel for NMC submits that as per her instructions the Eligibility Certificate (‘EC’) could not be issued in favour of the Petitioner owing to non-furnishing of relevant documents such as Citizenship Certificate, AIU Certificate, *Bona Fide* Certificate, ID proof etc. Counsel for the Petitioner refutes this submission and submits that all relevant documents were submitted on 06.04.2023, which is evident from the annexures appended to this writ petition.

3. Having heard the counsels for the parties and on perusal of the documents appended to this writ petition, I am of the *prima facie* view that all necessary documents such as Citizenship Certificate, AIU Certificate, *Bona Fide* Certificate, ID proof etc, were furnished by the Petitioner. Respondent No.2 will reconsider the matter and if for any reason the documents furnished by the Petitioner are not available, a written communication will be sent to the Petitioner within one week from today calling for a fresh set of documents, which may be provided by the Petitioner within a week thereafter. In case the documents are found in order, Respondent No.2 will issue the EC within two weeks from the date of receipt of the documents and if the decision is otherwise, reasoned and speaking order shall be passed within the same timeframe. In case of any surviving or further grievance, Petitioner will be at liberty to take recourse to



legal remedies.

4. Writ petition stands disposed of in the aforesaid terms along with the pending application.

JYOTI SINGH, J

DECEMBER 1, 2025

S.Sharma