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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17984/2024 & CM APPL. 76525/2024**

RAVIKANT SHARMA

.....Petitioner

Through: Mr.Kumar Prashant, Advocate
(Through VC)

versus

NATIONAL MEDICAL COMMISSION & ORS.Respondents

Through: Mr.T.Singhdev, Ms.Anum Hussain
and Mr.Abhijit Chakravarty,
Advocates for R-1/NMC
Mr.Ravi Kant Srivastava, Sr.Panel
Counsel for R-2/UOI

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

10.02.2025

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1. The present petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:-

“a. ISSUE an appropriate Writ/order/direction in the nature of Mandamus to quash the Impugned Communication/order dated 27.05.2024 passed by the Respondent No. 1 National Medical Commission; and

b. ISSUE an appropriate Writ/order/direction in the nature of Mandamus thereby directing the Respondent No. 1 i.e. National Medical Commission, New Delhi to issue eligibility certificate to the Petitioner herein, in order to enable her to take the Foreign Medical Graduates Examination (FMGE), and

c. Pass any other direction/order that this Hon'ble Court may deem fit and appropriate in the light of the facts and circumstances of the present case.”

2. In the short reply filed on behalf of the respondent No.1/National Medical Commission, it has, *inter alia*, been stated as under:-



“...9. 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 31 December of the year of admission in the Foreign Medical Institute, the applications for grant of Eligibility Certificate shall be reconsidered, where the court has direct to take a sympathetic stand in the issue. 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.

10. 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.

11. It is further respectfully submitted that in view of the aforesaid decision of the NMC dated 26.11.2024, in another similar writ petition being W.P.(C) 6439/2016 titled Bhargav Mayank kumar Joshi Vs. Medical Council of India, this Hon'ble Court vide order dated 10.12.2024 had directed the petitioner therein to approach the NMC and submit a hardcopy of the application for considering grant of Eligibility Certificate with all relevant documents which shall be considered in view of the aforesaid decision dated 26.11.2024.

12. 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 principal objection due to which the earlier applications were rejected...”

3. Mr.T.Singhdev, learned counsel for the respondent No.1/NMC submits that the respondent No.1/NMC has decided that in all the similar matters wherein grant of Eligibility Certificate was rejected since the candidate had not completed 17 years of age as on 31stDecember of the year of admission in the Foreign Medical Institute, the applications for grant of Eligibility Certificate shall be reconsidered.
4. In view of the above, the petitioner is directed to approach the respondent No.1/NMC and submit a hard copy of the application for grant of Eligibility Certificate with all the relevant documents.
5. Let the said application be considered in view of the decision dated 26.11.2024 taken by the NMC expeditiously, not beyond two months from the date of receipt of the copy of the application.
6. It is made clear that the present order is being passed under peculiar circumstances and the same shall not be treated as precedent.
7. Accordingly, the petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 10, 2025

Dy/na..