



\$~19

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

+ W.P.(C) 6029/2013 & CM APPL. 13274/2013

G A V V R MANIKANTA

.....Petitioner

Through: Mr. Ram Kamal Prasad, Adv.

versus

MEDICAL COUNCIL OF INDIA & ANR.Respondents

Through: Mr. T. Singhdev, Mr. Anum Hussain,
Mr. Abhijit Chakravarty, Mr. Sourabh
Kumar, Mr. Tanishq Srivastava, Ms.
Yamini Singh and Ms. Ramanpreet
Kaur, Advs. for R-1/NMC.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

18.03.2025

%

1. The present petition has been filed with the prayers which read thus:

“A. issue an appropriate writ, direction or order in the nature of mandamus or prohibition or any other appropriate writ or direction directing the respondent No 1 to issue the eligibility certificate to the petitioner under Indian Medical Council Act 1956 and allow him to appear in the screening test.

B. issue an appropriate writ, direction or order in the nature of mandamus or prohibition or any other appropriate writ or direction to respondent No 2 to publish the result of the petitioner for 'screening test held in March 2012 and September 2012 and March 2013.’”

2. This court *vide* order dated 11.10.2023, having regard to the peculiar facts and circumstances of the present case, had issued following interim directions, which read as under:



“12. In view of the aforesaid, as of now, this court deems it appropriate to issue the following interim directions:

- i. Let the petitioners to make a comprehensive representation including all decisions in their favour before the Ethics and Medical Registration Board of NMC within three weeks from today.*
- ii. If such a representation is made to the said authority, let the same be considered sympathetically, keeping in mind various humanitarian aspects involved in the instant petitions, where the petitioners have prosecuted their courses and are only short of few months of their eligibility criteria.*
- iii. The decision so taken shall not be considered as a precedent, therefore, the concerned authority can take into consideration earlier practices, if any.*
- iv. Let the decision be taken within six weeks from the date of receipt of the representation.”*

3. Mr. T. Singhdev, the learned counsel appearing on behalf of the respondent no.1/NMC submits that pursuant to the aforesaid directions of this court, a decision has been taken by the respondent no.1/NMC regarding which additional affidavit dated 07.12.2024 has already been filed. The relevant paragraphs of the said affidavit read thus:

- “6. 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 31st December of the year of admission in the Foreign Medical Institute, on account of sympathetic ground on humanitarian basis, the applications for grant of Eligibility Certificate shall be reconsidered without raising the objection of not having completed 17 years of age. 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.*
- 7. 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.

8. *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 principle objection due to which the earlier application was rejected and also since the present is an old matter and currently, the file of the case is not traceable in the office of the NMC.*
9. *The aforesaid facts and circumstances have been set out for the kind consideration of this Hon'ble Court. It is prayed accordingly."*

4. Mr. Singhdev submits that in view of the aforesaid decision, the petitioner is at liberty to approach the NMC and submit a hard copy of the application for grant of eligibility certificate along with all the relevant documents.

5. In view of the above, the court grants liberty to the petitioner to approach the NMC and submit the hard copy of application for grant of eligibility certificate along with all the relevant documents.

6. Let a decision on the application of the petitioner be taken by the



respondent/NMC within a period of two months from the date of receipt of copy of the application.

7. It is made clear that the present order is being passed in the peculiar facts and circumstances of the present case and the same shall not be treated as a precedent.

8. The petition stands disposed of in the above terms. Consequently, the pending application stands disposed of.

VIKAS MAHAJAN, J

MARCH 18, 2025

aj