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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2026

CORAM

THE HON'BLE MR.JUSTICE K.SURENDER

W.P.No.38656 of 2026

CNR: {HCMA012254662026}

Vignesh S,
Son of Sellappan V,
5/216/2 Sadaiyanur,
Aruru, Alampatti Post,
Namakkal District-637 020.

..Petitioner(s)

Vs

1. The National Medical Commission
   Dada Dev Mandir Road, Block P,
   Sector 8 Dwarka,
   New Delhi-110 077.

2. National Board of Examination,
   Rep. by Deputy Director (Medical),
   Ansari Nagar, Mahatma Gandhi Marg,
   New Delhi-110 077.

3. National Testing Agency,
   First Floor,
   NSIC - MDBP Building,
   Okhla Industrial Estate,
   New Delhi-110 020.

..Respondent(s)

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to issue eligibility certificate to the petitioner on or before the next FMGE examination scheduled to be held on 31.10.2026 pursuant to the representation submitted on 28.07.2026 to the respondents without insisting for earlier category community

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certificate of the year 2019 and to consequently permit the petitioner to write the forthcoming Foreign Medical Graduate Examination (FMGE) conducted by the 2nd respondent which is scheduled on 31.10.2026.

For Petitioner(s): Ms.T.Hemalatha

For Respondent(s): Mr.B.Rabu Manohar, SCGC for R1 and
Mr.R.Thirunavukarasu for R2 and
Ms.Sunita Kumari, Standing Counsel for R3

ORDER

The petitioner has come before this Court seeking a direction to the respondents to consider his application for appearing in Foreign Medical Graduate Examination (FMGE), 2026.

2.The brief facts of the case are that the petitioner is a native of Tamil Nadu and appeared for the NEET-UG Examination in 2019. According to the petitioner, he belongs to Kongu Vellalar community, which falls under the Other Backward Classes (OBC) category. However, while submitting the application for NEET-UG, 2019, the category was erroneously mentioned as 'Unreserved' (UR) instead of OBC by an agent who submitted the application. The petitioner had written the examination and secured 127 marks, whereas the qualifying cut-off for the Unreserved category was 134 marks.

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3.Thereafter, the petitioner went to Russia and pursued medical education at National Research Nuclear University and completed his course in 2025. For such students who had completed their studies in another country, there is a requirement in India to pass Foreign Medical Graduate Examination (FMGE) to enable them to practise in Indian territory.

4.The petitioner applied for FMGE in January 2026. However, his application was rejected on the ground that he had not qualified in NEET-UG, 2019, which was a criteria for writing FMGE examination.

5.The learned counsel appearing for the petitioner would submit that the petitioner belongs to OBC category and had obtained the relevant certificates in 2019, even prior to writing NEET-UG, 2019 examination. However, on account of the mistake committed by the agent who uploaded the online application, the petitioner's category was erroneously mentioned as 'Unreserved' (UR) instead of OBC. If the petitioner is considered under the OBC category, he would qualify in NEET-UG, 2019 examination since he secured 127 marks.

6.The learned counsel appearing for the respondents would submit that the petitioner cannot seek a change of category at this stage, after a lapse of seven years from the date of the examination. In fact, there was a correction

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window from 14.01.2019 to 31.01.2019 enabling candidates to make changes regarding the category and other criteria if they intend to do so.

7.It is not in dispute that the said window opened to change the particulars/category etc., was not utilised by the petitioner during the said period.

8.Clause 4.6.2 of the Information Bulletin governing the FMGE, 2026, which prescribes the eligibility criteria for appearing in the examination, reads as follows:

> "4.6.2.In terms of notification published on 01.03.2018 in the Gazette of India, "Indian Citizens / Overseas Citizen of India intending to obtain primary medical qualification from any medical institution outside India, **on or after May 2018**, shall have to mandatorily qualify the 'National-Eligibility-cum-Entrance Test for Admission to MBBS course'. The result of the '**National- Eligibility-cum-Entrance Test for Admission to MBBS course**' shall deem to be treated as the Eligibility Certificate for such persons, provided that such persons fulfils the Eligibility Criteria for admission to the MBBS course prescribed in the Regulations on Graduate Medical Education, 1997."

9.This Court cannot set the clock back to the year 2019 directing the respondents to consider the petitioner under OBC category and declare him as

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passed in the said NEET-UG, 2019 examination. As already stated, the time frame of 15 days was already provided for making relevant changes, which the petitioner did not opt to make the changes.

10.The rejection of the application of the petitioner by the respondents for writing FMGE, 2026 examination cannot be found fault with for the aforesaid reasons.

11.Accordingly, the Writ Petition lacks bonafide and is dismissed. No costs.

28.10.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

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