



151 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13722-2026 (O&M)
Date of decision: 04.05.2026

ARYAN SINGH AND OTHERS

...Petitioners

Vs.

NATIONAL MEDICAL COMMISSION
THROUGH ITS SECRETARY AND OTHERS

...Respondents

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

Present: Mr. R.N. Lohan, Advocate
for the petitioners.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This petition has been filed with the prayer to quash Regulation 7.7 as well as 11.2.7 of the Graduate Medical Education (Amendment), 2019, insofar as it limits a candidate to four attempts to clear the first professional University examination. Clauses which are under challenge read as under:-

"7.6 Universities shall organize admission timing and admission process in such a way that teaching in the first Professional year commences with induction through the Foundation Course by the 1st of August of each year.

(i) Supplementary examinations shall not be conducted later than 90 days from the date of declaration of the results of the main examination, so that the learners who pass can join the main batch for progression and the remainder would appear for the examination in the subsequent year.

(ii) A learner shall not be entitled to graduate later than ten (10) years of her/his joining the first MBBS course."



2. Learned counsel for the petitioner states that the petitioners having obtained admission in the MBBS course and have not been able to clear their first professional University examination in four attempts. Prayer accordingly is made to direct to respondents to allow an additional attempt to the petitioners to clear the examination. The argument on behalf of the petitioners is that a candidate is given 10 years time to clear the MBBS examination and except for the first professional examination, there is not such limitation on the maximum number of attempts which are available to a candidate to clear the examination. It is, therefore, submitted that the restriction imposed in the regulations limiting the number of attempts to four chances alone, to clear the first professional examination is arbitrary.

3. The writ petition is opposed on behalf of the respondents.

4. Perusal of the record would indicate that the MBBS course is regulated by the provisions of the Indian Medical Council Act, 1956. The regulations have been framed for the purposes of conducting the MBBS course from time to time. The Board of Governance, in super-session of the Medical Council of India has amended the previous notification vide notification dated 04.11.2019, known as Regulations on Graduate Medical Education (Amendment), 2019. The regulations have been made by the experts providing for the manner in which the MBBS course itself is to be completed by a candidate. The subjects to be taught in different years have been enumerated. It is in this context that Clause 7.7 provides that no more than four attempts shall be allowed for a candidate to pass the first professional examination. The total period for successful completion of first professional course is not to



exceed four years.

5. Clause 7.6 on the other hand provides a maximum period of 10 years for a candidate to complete the graduation course in MBBS. The MBBS course is a specialized course for offering teaching to graduates who can then practice medicine and surgery after getting the requisite registration from the concerned Medical Council of the State.

6. The MBBS course is a specialised course which requires a person to have requisite skill in the field of medicine and surgery before he can be permitted to treat/cure patients. Four attempts for claiming a first professional examination cannot be said to be unreasonable, inasmuch as sufficient attempts have already been allowed to a candidate to pass the first professional examination. The mere fact that the total duration of the course is 10 years, or that in subsequent professional examinations there is no limitation on the number of attempts available to a candidate, it cannot be inferred that the limitation of four attempts becomes unreasonable for clearing the first professional examination.

7. We are otherwise of the view that this is an area to be regulated by specialised experts in the field and unless the provision itself is shown to be wholly arbitrary, any interference in such matters by the Court would not be countenanced.

8. We are of the view that if a candidate otherwise cannot clear the first professional examination in four attempts, it would be questionable as to whether he would be competent to be given a licence to treat patients.

9. We neither find any jurisdictional error in the impugned provision



nor do we find it to be suffering from any patent illegality, which may persuade this Court to interfere in the matter.

- 10. The writ petition is accordingly ***dismissed***.
- 11. Pending application(s), if any, stand(s) disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

04.05.2026

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No