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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 624/2026 & CM APPL. 3086/2026

PATIL ADITI GIRISH

.....Petitioner

Through: Mr. Gautam Singh, Adv.

versus

**NATIONAL BOARD OF EXAMINATION IN MEDICAL SCIENCES
& ORS.**

.....Respondent

Through: Mr. Waize Ali Noor. Adv. Mr. Mrinal
Kumar Sharma Adv. Mr. Shashi Suman Adv. Mr.
Varun Rajawat Adv. Mr. Zillur Rahman Adv.
Adv Bishwabandhu Standing Counsel with Ms
Nisha Adv for R2
Mr Sanjay Khanna, SC with Ms. Pragya Bhushan,
Ms. Vilakshana Dayma, Ms. Anshu Kumari, Mr.
Akshat Chauhan, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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16.01.2026

CM APPL. 3087/2026

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 624/2026

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

“1. Issue the writ of mandamus directing the R2 for the issuance of “Eligibility Certificate” expeditiously in due course; or

2. Issue the Writ of mandamus directing the R1 to accept the “Eligibility Certificate” after the issuance from R2 in due course; or

3. Issue the writ of mandamus directing the R1 and R2



accept the Petitioner Category as OBC in NEET UG 2018

Exam. . . . ”

2. The facts are that the petitioner is an Indian citizen who has completed medical graduation from a foreign country and wants to practice Allopathy, or modern medicine in India.
3. The petitioner after completing Doctor of Medicine Degree (equivalent to MBBS in India) from Pensa State University Medical Institute (Russian Federation) on 15.07.2025 applied for eligibility certificate on NMC Portal on 30.09.2025 but the same has not been issued.
4. Hence, the present petition.
5. Mr. Noor, learned counsel for the respondent No.2 has drawn my attention to paragraphs 42 and 56 of the judgment dated 04.06.2024 in **“Hemica Rani Singh vs. National Medical Commission & Anr.”** passed in WP(C) 3356/2022 which read as under:-

“42. No occasion arises for this Court to enter into any of the aspects which were argued, for the simple reason that the right to obtain an Eligibility Certificate is available only prior to undertaking the medical course from a Foreign Medical Institution and cannot be deferred to any later stage and, in the absence of such an Eligibility Certificate, a candidate cannot undertake the FMGE.

. . . .

*56. I am bound by the judgment of the Supreme Court in **Indian Doctors from Russia Welfare Association** and the decisions of the Division Bench of this Court in **Ishan Kaul** and **Shambhavi Sharma**, as well as the statutory dictate contained in Section 13(4B) of the IMC Act, all of which*



envisage obtaining of the Eligibility Certificate before joining the medical course abroad, and stipulate it as a precondition for the candidate to be eligible to appear in the FMGE for practicing in India as a medical professional. I have, therefore, reluctantly had to hold that the Eligibility Certificate cannot be obtained after the candidate has obtained the PMQ from abroad.”

6. A perusal of the judgment shows that eligibility certificate is required to be taken prior to undertaking medical course from a foreign medical institution.
7. The exam is slated to be tomorrow i.e. 17.01.2026.
8. The petitioner having failed to take the eligibility certificate prior to undertaking medical course from a foreign medical institution cannot expect the eligibility certificate to be issued within 24 hours, specially, in view of the above mentioned judgment relied upon by the respondents.
9. For the said reasons, the present petition is dismissed.
10. However, the NMC is requested to kindly expedite the eligibility certificate, so that the petitioner may be able to appear for the next examination slated to be in June, 2026.
11. The petition is disposed of in the aforesaid terms.

JASMEET SINGH, J

JANUARY 16, 2026 / (MS)