



राष्ट्रीय मुक्त विद्यालयी शिक्षा संस्थान
NATIONAL INSTITUTE OF OPEN SCHOOLING

आईएसओ 9001 : 2008 प्रमाणित/ISO 9001 : 2008 Certified

(स्कूल शिक्षा और साक्षरता विभाग, मा.सं.वि.मं., भारत सरकार के अंतर्गत एक स्वायत्त संस्था)
(An Autonomous Institution Under Deptt. of School Education and Literacy, M.H.R.D., Govt. of India)

F-26-34/2014/NIOS/SSS/322

20 June, 2018

NOTIFICATION - 14/2018

A Gazette Notification was issued on dated 22 January, 2018 with amendment to the Notification in Clause 4, under the heading Admission to the Medical Course-eligibility criteria and in sub-clause 4(2) (a):

“Provided that two years of regular and continuous study of Physics, Chemistry/Biotechnology taken together shall be required at 10+2 level for all the candidates. Candidates who have passed 10+2 from Open Schools or as Private candidates shall not be eligible to appear for National Eligibility-cum-Entrance Test. Furthermore, study of Biology /Biotechnology as an Additional Subject at 10+2 level also shall not be permissible.”

As a consequence of the decision of Medical Council of India (MCI), the learners of National Institute of Open Schooling became ineligible for MBBS and BDS Entrance Examination.

The Writ Petitions were filed by the learners as per details given as under:

- 1) Writ Petition (Civil) No. 1813/2018
- 2) Writ Petition (Civil) No. 2119/2018
- 3) Writ Petition (Civil) No. 2523/2018
- 4) Writ Petition (Civil) No. 1982/2018
- 5) Writ Petition (Civil) No. 2055/2018
- 6) Writ Petition (Civil) No. 1906/2018
- 7) Writ Petition (Civil) No. 1916/2018
- 8) Writ Petition (Civil) No. 1917/2018
- 9) Writ Petition (Civil) No. 1970/2018
- 10) Writ Petition (Civil) No. 1972/2018
- 11) Writ Petition (Civil) No. 3513/2018

The writ petitions were heard by the Hon'ble High Court Delhi and the Court reserved its decision on 26th April, 2018. The Hon'ble Court heard both the parties and pronounced its decision on 11th May, 2018 and disposed off the writ petitions challenging the amendment made by the MCI notification dated 22 January, 2018 and presented as under:

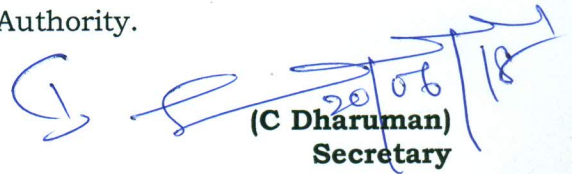
“(a) Proviso to clause 4(2)(a) of the Regulations disqualifying recognized Open School board candidates is struck down and declared unconstitutional. Students/candidates, who have done class 12 from NIOS or recognized Open School State boards, would not be treated as per se disqualified for selection and appearance in NEET examination. Their NEET results, when otherwise eligible, would be declared with other candidates.

- (b) *Proviso to clause 4 prescribing upper age limit of 25 years in case of general category candidates and 30 years in case of reserved category candidates is legal and valid. To this extent, the writ petitions challenging vires of proviso to clause 4 of the Regulations are dismissed.*
- (c) *In respect of Private Student, MCI has already issued clarification, which appears to have satisfied grievance of the private candidates. In the light of the said clarification, no arguments have been addressed before us and, therefore, we have not decided or adjudicated on the said issue/aspect,*
- (d) *Writ Petition (C) NO. 1982/2018, Jasna Shayla K Versus Union of India and Ors. And Writ Petition (C) No. 1972/2018, Jalaludheen T. & Anr. Versus Medical Council of India and Ors. are dismissed in view of the judgment of the Supreme Court in Dinesh Singh Chauhan (supra).*

The afore-stated writ petitions are disposed of in the aforesaid terms. There would be no order as to costs."

In pursuance of the orders of the Hon'ble High Court of Delhi, the learners of NIOS who have successfully completed Senior Secondary Examination of NIOS would be eligible to appear for NEET(Under Graduate) Examinations.

This issues with the approval of the Competent Authority.


(C Dharuman)
Secretary

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