

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ /2024
(Arising out of SLP(C)No.21720/2018)

MEDICAL COUNCIL OF INDIA

Appellant(s)

VERSUS

ANSHUL AGGARWAL & ORS.

Respondent(s)

ORDER

1. Applications for impleadment/intervention are allowed.
2. Leave granted.
3. This Civil Appeal is by the Medical Council of India against the decision of the High Court of Delhi¹, by which the High Court struck down proviso to Regulation 4(2)(a) of the Medical Council of India Regulations on Graduate Medical Education, 1997 (for short, "Regulations") as unconstitutional. By the said proviso, candidates who have passed 10+2 from open schools were not eligible to appear for National Eligibility-cum-Entrance Test (hereinafter referred to as the 'NEET').
4. Today, the learned counsel for the respondent showed us a letter dated 02.11.2023 addressed by Under Graduate Medical

¹ In W.P. (C) No. 1813 of 2018 along with W.P. (C) No. 2119 of 2019, W.P. (C) No. 2523 of 2018, W.P. (C) No. 1982 of 2018, W.P. (C) No. 2055 of 2018, W.P. (C) No. 1906 of 2018, W.P. (C) No.1916 of 2018, W.P. (C) No. 1917 of 2018, W.P. (C) No. 1970 of 2018, W.P. (C) No. 1972 of 2018 and W.P. (C) No. 3513 of 2018 dated 11.05.2018.

Education Board of the National Medical Commission. The said letter is as follows:

"Subject: Equivalence to/Recognition of Bosse (Board of Open Schooling and Skill Education, Sikkim for purposes of higher Education-reg.)

1. I am directed to refer to your letter No. BOSSE/Recog/NMC/2023/992 dated 21st September, 2023 on the subject cited above.

2. In this connection, it is to convey that all open schools recognized by Central Board of Secondary Education (CBSE) and State Education Board shall be considered for recognition by National Medical Commission (NMC) for the purpose of NEET.

3. This issues with the approval of President (UGMEB)."

5. Subsequently, a Public Notice was also issued by the Under Graduate Medical Education Board of the National Medical Commission on 22.11.2023. This notice is also placed before us. The said Public Notice is as follows:

"PUBLIC NOTICE

1. The Under Graduate Medical Education Board being an Autonomous Board of the National Medical Commission is issuing the present Public Notice in view of the large number of queries/representations, as well as, the various pending court cases involving the common issue as addressed herein below.

2. The erstwhile Medical Council of India through the provisions of the Regulations on Graduate Medical Education, 1997 including the various amendments, under Chapter-II had

regulated the admission & selection to MBBS course. The same included that candidates must have undergone 2 years of regular/continuous/coterminous study of the subjects of Physics, Chemistry, Biology/Biotechnology, in Class 11th & 12th with practical, alongwith English. The said 2 years study was required to be completed from regular schools and not from open schools or as private candidates. Further, the study of Biology/Biotechnology or any other requisite subject, could not be completed as an additional subject after passing Class 12th.

3. The aforesaid provisions had been challenged before the Hon'ble Delhi High Court and were quashed vide judgement dated 11.05.2018 passed in the case of Anshul Aggrawal Vs. Union of India & Ors. - W.P. (C) No. 1813 of 2018 & other connected matters and judgement dated 17.08.2017 passed in the case of Tanishq Gangwar & Ors. Vs. Union of India & Ors.- W.P. (C) No. 6773 of 2018 & other connected matters.

4. The aforesaid had a consequential bearing on the candidates seeking admission in Graduate/Primary Medical Courses in Foreign Medical Institutes due to the Statutory Regulations in this regard i.e. the Eligibility Requirement for taking admission in an Undergraduate Medical Course in a Foreign Medical Institution Regulations, 2002 & the Screening Test Regulation, 2002.

5. In the aforementioned background, candidates had been debarred from NEET-UG Test as also their applications seeking Eligibility Certificate were rejected.

6. In the meanwhile, the National Medical Commission has framed the Graduate Medical Education Regulations, 2023 as notified on 02.06.2023. Regulation 11(b) provides that candidates who have passed 10+2 or its equivalent with the subjects of Physics, Chemistry, Biology/Biotechnology & English

shall be eligible for appearing in NEET-UG. Therefore, after the framing of Graduate Medical Education Regulation, 2023 the earlier Regulations on Graduate Medical Education, 1997 including the various amendments stand repealed prospectively.

7. The National Medical Commission in its meeting held on 14.06.2023 after detailed deliberations while taking into consideration the New Education Policy, which permits great extent of flexibility in the study of various subjects in Class 12th, decided that the previous approach of the erstwhile Medical Council of India needs to be revisited by permitting candidates to undertake study of the requisite subjects (Physics, Chemistry, Biology/Biotechnology alongwith English) even as additional subjects after passing Class 12th from duly recognized boards by the concerned Govt. Such candidates shall be permitted to appear in NEET-UG Test and resultantly also be eligible for grant of Eligibility Certificate.

8. The present decision shall be applicable retrospectively also on candidates whose applications for grant of Eligibility Certificate have been rejected on the grounds contemplated in the present public notice. However, for the purpose of appearing in NEET-UG, candidates who become eligible after the date of the present public notice, shall be permitted to appear in NEET-UG-2024. Further, court cases filed by MCI/NMC, as before any Hon'ble Court, in this regard shall be withdrawn and that the current position with the present public notice shall be explained in all pending litigations filed by candidates, against MCI/NMC, so that the same could be disposed at the earliest.

9. This issues with the approval of the competent authority."

6. In view of the above referred letter and Public Notice, it is clear that open schools recognized by CBSE and State

Education Boards shall be recognized by the National Medical Council for the purpose of taking the NEET Examination.

7. Taking note of the above, the Civil Appeal stands disposed of.

.J.
[PAMIDIGHANTAM SRI NARASIMHA]

.J.
[ARAVIND KUMAR]

New Delhi
February 27, 2024.

ITEM NO.54

COURT NO.16

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).21720/2018

(Arising out of impugned final judgment and order dated 11-05-2018 in WP No. 1813/2018 passed by the High Court Of Delhi At New Delhi)

MEDICAL COUNCIL OF INDIA

Petitioner(s)

VERSUS

ANSHUL AGGARWAL & ORS.

Respondent(s)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 112496/2018 FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 112498/2018 FOR impleading party ON IA 133879/2018 FOR INTERVENTION/IMPLEADMENT ON IA 133879/2018 FOR impleading party ON IA 152872/2018 FOR INTERVENTION/IMPLEADMENT ON IA 152872/2018 FOR INTERVENTION APPLICATION ON IA 154757/2018 FOR impleading party ON IA 89975/2019 FOR INTERVENTION/IMPLEADMENT ON IA 89975/2019 FOR impleading party ON IA 194033/2019 FOR INTERVENTION/IMPLEADMENT ON IA 194033/2019 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 194039/2019)

Date : 27-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Gaurav Sharma, AOR
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Paranjay Tripathi, Adv.
Mr. Rajesh Raj, Adv.
Ms. Ankita Dogra, Adv.

For Respondent(s) Mr. Avijit Mani Tripathi, AOR
Ms. Preeti Sehrawat, Adv.
Mr. Himanshu Sehrawat, Adv.

Mr. S. Rajappa, AOR
Mr. R Gowrishankar, Adv.

Ms. Pankhuri Shrivastava, Adv.
Ms. Neelam Sharma, AOR
Mr. Rajeev Sharma, Adv.
Mr. Aryaman Sharma, Adv.

Mr. Md. Ali, AOR
Mr. Vikas Mehta, AOR
Mr. Zoheb Hossain, AOR
Mr. Zoheb Hossain, AOR
Mr. Vikas Mehta, AOR
Mr. Md. Ali, AOR

Mr. Avijit Mani Tripathi, AOR
Ms. Preeti Sehrawat, Adv.
Mr. Himanshu Sehrawat, Adv.

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Ms. Preeti Sehrawat, Adv.
Mr. Himanshu Sehrawat, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Applications for impleadment/intervention are allowed

Leave granted.

The Civil Appeal is disposed of in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

(signed order is placed on the file)