

**Court No. - 34**

**Case :-** WRIT - C No. - 7432 of 2018

**Petitioner :-** Hira Nizam

**Respondent :-** Union Of India Through Its Secretary, Ministry Of H.R.D Education Secretariat And 3 Others

**Counsel for Petitioner :-** Zia Uddin Ahmad, Gaurav Tiwari

**Counsel for Respondent :-** A.S.G.I., Avanish Mishra, Hridai Narain Pandey

**Hon'ble Sudhir Agarwal, J.**

**Hon'ble Shashi Kant, J.**

1. Heard learned counsel for parties and perused the record.
2. Petitioner has sought mandamus commanding respondents to allow her to appear in Common Entrance Examination for joining medical course known as National Eligibility Common Entrance Examination, 2018 and not to treat petitioner ineligible only on the ground that she has passed 10+2 examination as private candidate or through open schooling.
3. Learned counsel for respondent no. 3 stated that Regulation on Graduate Medical Education, 1997 have been amended by notification dated 22<sup>nd</sup> January, 2018 vide Regulation of Graduate Medical Education (Amendment), 2017 (*hereinafter referred to as 'Regulation'*) and eligibility clause 4 – Admission to the Medical Course – Eligibility Criteria has been amended and in sub-clause 4(2)(a) proviso has been inserted, which reads as under :

*"Provided that two years of regular and continuous study of Physics, Chemistry, Biology/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 permissible."*
4. Counsel for respondent no. 3 submitted that in view of aforesaid Regulation relief sought by petitioner cannot be

granted, particularly since vires of aforesaid Regulation is not under challenge.

5. We find substance in submission of counsel for respondent no. 3 and in view of aforesaid Regulation, as it stands today, since petitioner is not eligible, therefore, relief prayed for cannot be granted.

6. Dismissed accordingly.

**Order Date :- 28.2.2018**

A. Verma