



2024:DHC:716



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8935/2023**

SACHIN KUMAR Petitioner

Through: **Ms. Yoothica Pallavi, Adv.**

versus

**NATIONAL MEDICAL
COMMISSION & ORS.**

..... Respondents

Through: **Mr. T. Singhdev, Mr. Abhijit
Chakravarty, Mr. Tanishq Srivastava, Mr.
Aabhaas Sukhramani and Mr. Bhanu Gulati,
Advocates for NMC**

**Mr. Kirtiman Singh, CGSC with Mr. Waize
Ali Noor and Mr. Kartik Baijal, Adv. for
NBE**

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (ORAL)

31.01.2024

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W.P.(C) 8935/2023

1. The petitioner obtained his MBBS degree from the Crimean Federal University, Russia in July 2022 after undergoing the course from 2016 to 2022. The petitioner is, therefore, a Foreign Medical Graduate (FMG). FMGs, in order to practice medicine in India, are required to pass the Foreign Medical Graduate Examination (FMGE). For this, they have to obtain an Eligibility Certificate from the National Medical Commission (NMC).

2. The petitioner, therefore, applied for grant of an Eligibility

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Certificate, so as to be able to appear in the FMGE. The NMC, by the impugned communication dated 27 April 2023, rejected the petitioner's application on the ground that he had studied Biology only for one year in Class 11, whereas the Undergraduate Medical Education Board (UGMEB) of the NMC had decided that Biology was required to be the main core subject in the 11th and 12th for an FMG to be eligible to undertake the FMGE.

3. Aggrieved by the said order, the petitioner has approached this Court by means of the present writ petition, praying that the decision dated 27 April 2023 be quashed and set aside and that the petitioner be issued an Eligibility Certificate so as to enable him to appear in the FMGE, which was scheduled to be conducted on 30 July 2023.

4. At the time of issuing notice on this writ petition on 7 July 2023, the petitioner prayed for interim relief by way of being permitted to provisionally appear in the FMGE. As the petitioner did not have the Eligibility Certificate, this Court did not pass any such interim order.

5. Aggrieved thereby, the petitioner had approached the Division Bench by way of LPA 554/2023. By order dated 17 July 2023, the Division Bench disposed of the LPA by allowing the petitioner to provisionally appear in the FMGE 2023, subject to the outcome of the present writ petition. The petitioner has, since, appeared in the FMGE 2023 and the result of the petitioner has been produced before the Court in a sealed cover.



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6. On 19 January 2024, Mr. Singhdev, who appears on behalf of the NMC, had handed over, across the board, a communication dated 12 January 2024, which stated that in view of a subsequent Public Notice dated 22 November 2023 issued by the NMC, candidates who had done Biology as an additional subject in Classes 11 and 12, were also entitled to the Eligibility Certificate for the purpose of appearing in the FMGE.

7. As such, the only ground on which the petitioner was found disentitled to the Eligibility Certificate for appearing in the FMGE does not survive.

8. Mr. Singhdev also submits that, thereafter, the petitioner has in fact been issued the Eligibility Certificate on 23 January 2024 by the NMC.

9. In the meanwhile, on the basis of the order dated 17 July 2023 passed by the Division Bench in LPA 554/2023, the petitioner has also appeared in the FMGE 2023.

10. Though the appearance of the petitioner was subject to the outcome of the present writ petition, as the only ground on which the petitioner had been found disentitled to grant of an Eligibility Certificate for appearing in the FMGE has itself now been withdrawn by the NMC and an Eligibility Certificate has also been granted to the petitioner, the grievance of the petitioner in the writ petition does not survive for consideration.



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11. Though the Court had directed the result of the petitioner to be produced before the Court in a sealed cover, no occasion for peering into its contents arises.

12. The NBE is, therefore, directed to communicate the said result to the petitioner within a period of one week from today.

13. This writ petition stands disposed of in the aforesaid terms.

14. Needless to say, this order has been passed in the peculiar facts of the present case.

CM APPL. 66547/2023 (Direction)

15. This application does not survive for consideration and stands disposed of.

C.HARI SHANKAR, J

JANUARY 31, 2024

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[Click here to check corrigendum, if any](#)