

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/APPELLATE JURISDICTION**

WRIT PETITION (CIVIL) NO.1205 OF 2019

ARUNADITYA DUBEY

...PETITIONER

VERSUS

MEDICAL COUNCIL OF INDIA AND ANR. ...RESPONDENTS

W I T H

WRIT PETITION (CIVIL) NO. 1221 OF 2019

SPECIAL LEAVE PETITION (CIVIL) NO.15598 OF 2021

SPECIAL LEAVE PETITION (CIVIL) NO.15875 OF 2022

O R D E R

The above petitions have been filed challenging the regulation brought out by the Medical Council of India requiring further eligibility criteria with respect to pursuing undergraduate medical course in a Foreign Medical Institution. The Foreign Medical Institution Regulation, 2002 was incorporated with an additional criteria numbered as Clause 8(iv) which mandated qualification on the "*National Eligibility-cum-Entrance test for admission to MBBS course*" (NEET, for brevity) which would be deemed to be treated as the Eligibility Certificate for students desirous of pursuing primary undergraduate medical education from any medical institution outside India; which was an addition to the requirement of fulfilling the eligibility criteria for admission to the MBBS course prescribed in

the Regulations on Graduate Medical Education, 1997.

2. The learned counsel appearing for the petitioners argued that the said requirement was first introduced in the year 2018 by a notification without an amendment to the statute itself. The requirement for such qualification in the NEET hence cannot be insisted, which goes against the statute, was the contention.

3. The Indian Medical Council Act, 1956 was amended (by Amendment Act 34 of 2001) incorporating sub-section (4A) and (4B) under Section 13. Section 13 (4A) required a citizen of India who obtains medical qualification from any institution outside the country to qualify in a screening test before he/she is entitled to be enrolled in the Medical Register maintained by a State Medical Council or the Indian Medical Register. Sub-section (4B) also required an eligibility certificate to be obtained from the Medical Council before the student gets admission to a course leading to a primary medical qualification from any medical institution in a foreign country.

4. The regulation has been brought in, invoking the power under Section 33 of the Act which empowers the Council, with the previous sanction of the Central Government, to make any regulation generally to carry out the provisions of the Act. The

requirement of an Eligibility Certificate from the Medical Council had been provided by section 13(4B) by an amendment in the year 2001 and the incorporation of sub-Clause (iv) under Clause 8 in the year 2018; mandating qualification in the NEET exam, ensures a fair and transparent procedure in the grant of Eligibility Certificate. The regulation does not in any manner conflict with the enactment.

5. We find absolutely no reason to interfere with the regulations, in which context, the learned counsel sought for a one-time exemption as applicable to the petitioners. Obviously, with open eyes, after the amended regulations came into effect if any candidate chose to obtain admission in a foreign institution for pursuing a course leading to a primary medical qualification, they cannot seek for an exemption from the regulations; which lays down essential eligibility criteria for practicing medicine within the Country. This does not restrict their right to practice anywhere outside India. The regulations, especially the additional mandate to satisfy the eligibility criteria, is not *ultra vires* the Constitution and neither is it in conflict with any provisions of the Act nor on any count arbitrary or unreasonable. Hence, all the petitions are dismissed.

6. Pending application(s), if any, shall stand disposed of.

....., J.
[B. R. GAVAI]

....., J.
[K. VINOD CHANDRAN]

NEW DELHI;
FEBRUARY 4, 2025.

ITEM NO.24

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1205/2019

| | |
|--------------------------------------------|----------------------|
| ARUNADITYA DUBEY | Petitioner(s) |
| VERSUS | |
| MEDICAL COUNCIL OF INDIA & ANR. | Respondent(s) |

(IA No. 146097/2021 - INTERVENTION/IMPLEADMENT)

WITH

W.P.(C) No. 1221/2019 (X)

SLP(C) No. 15598/2021 (XIV)

(IA No. 126114/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 15875/2022 (XIV)

(IA No. 134572/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 04-02-2025 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K. VINOD CHANDRAN**

For Petitioner(s) :

Mr. Viraj Kadam, Adv.
Mr. Rahul Kumar, Adv.
Mr. Soumya Dutta, AOR
Mr. Siddhant Upmanyu, Adv.

For Respondent(s) :

Mr. Gaurav Sharma, Sr. Adv.
Mr. Prateek Bhatia, AOR
Mr. Dhawal Mohan, Adv.
Mr. Paranjay Tripathi, Adv.
Mr. Rajesh Raj, Adv.

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

1. The writ petition and the special leave petitions are dismissed in terms of the signed order.
2. Pending application(s), if any, stand(s) disposed of.

**(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS**

**(ANJU KAPOOR)
COURT MASTER (NSH)**

[Signed order is placed on the file]