

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE TWENTY THIRD DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WP NO: 11177 OF 2026

Between:

Neelapu Maneesha, D/o Neelapu Nagarjuna, Aged about 27 years, Occ
Student, R/o H.No.30/726, I Vijayanagar Colony, Chapirevula Road,
Bommalasatram Nandyal, Nandyal District - 518501. ✓

...Petitioner

AND

1. The Union of India, Rep by Secretary Ministry of Health and Family Welfare (MoHFW), Nirman Bhawan, Maulana Azad Road, New Delhi-110011
2. National Medical Commission, 2Rep by Secretary Pocket-14, Sector-8, Dwarka Phase-1, New Delhi - 110077
3. National Board of Examinations in Medical Sciences, Rep by President, NAMS Building, Ansari Nagar, Mahatma Gandhi Marg (Ring Road), New Delhi-110029

...Respondents

WHEREAS the Petitioner above named through her Advocate Sri THANDAVA YOGESH presented this Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in insisting on Eligibility

Certificate (EC) for writing Foreign Medical Graduate Examination (FMGE), despite Qualifying NATIONAL ELIGIBILITY CUM ENTRANCE TEST - NEET (UG)-2016 with 79.33 percentile, is illegal, arbitrary and unconstitutional and violation of Article.14, 19 and 21 of the Constitution of India and also violation of Clause 4(2A) of Screening Test Regulations, 2002 as amended in 2018 and Regulation 8 of Eligibility Requirement for Taking Admission in an Undergraduate Medical Course in a Foreign Medical Institution Regulation, 2002, Consequently, declare that the petitioner does not require a separate Eligibility Certificate (EC) to write Foreign Medical Graduate Examination (FMGE) as per Clause 4(2A) of Screening Test Regulations, 2002 as amended in 2018 and consequently direct the 3rd respondent to receive application for Foreign Medical Graduate Examination (FMGE) June 2026 and process the same without insisting on a separate Eligibility Certificate (EC);

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Thandava Yogesh, Advocate for the Petitioner and Sri Josyula Bhaskara Rao, Senior Standing counsel for Central Government for respondent No.1 and Sri Vivek Chandra Sekhar.S, Standing Counsel for Respondent No.2, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

The President, National Board of Examinations in Medical Sciences, NAMS Building, Ansari Nagar, Mahatma Gandhi Marg (Ring Road), New Delhi-110029

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 22.06.2026 on which date the case stands posted for hearing.

IA NO: 1 OF 2026:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 2nd and 3rd Respondents to permit the petitioner to participate in Foreign Medical Graduate Examination (FMGE) June 2026, pending disposal of WP.No.11177 of 2026, on the file of the High Court.

ORDER:

Notice.

Mr. Josyula Bhaskara Rao, learned Senior Standing Counsel for Central Government, waives service on behalf of respondent No.1.

Mr. Vivek Chandra Sekhar, S., learned Standing Counsel for NMC, waives service on behalf of respondent No.2.

Learned counsel for the petitioner is permitted to take out personal notice upon respondent No.3.

The petitioner, after having cleared her National Eligibility-cum-Entrance Test (NEET) Exam in the year, 2016, proceeded to study abroad for her MBBS course in Georgia and after having successfully completed the same has returned back to the country and is required to undergo a Foreign Medical Graduate Examination (FMGE) in terms of the Screening Test Regulations, 2002.

The position as it existed before 01.03.2018 was that any candidate desiring to undergo MBBS training abroad was required to obtain an Eligibility Certificate (EC) from the Medical Council of India (MCI), who would look into the issue as to whether the petitioner possessed the basic qualification as prescribed for undergoing MBBS courses in India and possessed the minimum marks otherwise required for competing for the said course with in the country.

After 01.03.2018, however, there appears to have been an amendment incorporated in the said Screening Test Regulations, which envisages that any Indian Citizen intending to obtain a primary medical

7
qualification from any medical institution outside India, on or after May 2018, would mandatorily have to qualify the NEET test for admission into an MBBS course and further that the said NEET would be deemed to be the 'Eligibility Certificate' for such persons. This was of course subject to the proviso that the candidate fulfills the eligibility criteria for admission to the MBBS course prescribed in the Regulations on Graduate Medical Education, 1997. ✓

It appears that, in the instant case, the respondent No.3-testing agency is insisting upon the production of an Eligibility Certificate from the petitioner even when the petitioner claims that she is to be governed by the Regulations as they stand amended with effect from 01.03.2018 in as much as it is claimed that she had proceeded to undergo the course abroad only in the year, 2019. ✓

We find a prima facie case in favour of the petitioner, as the petitioner claims that she had cleared the NEET examination and only then proceeded to travel abroad and undergone the course, nevertheless the petitioner also claims that she has since applied for an Eligibility Certificate with respondent No.2 on 14.03.2026 and that the said certificate even for purposes of formality is yet to be issued. ✓

It is stated that even when the exam under the Foreign Medical Graduate Examination Scheme is to be conducted on 28.06.2026, yet the last date for submission of application for taking that exam has been fixed on 11.05.2026 and, therefore, the urgency.

Be that as it may, we direct the respondent No.2 to consider the application of the petitioner for grant of a formal Eligibility Certificate in favour of the petitioner in accordance with the Rules which would be applicable in the instant case. This would be without prejudice to the right of the petitioner to claim that the said certificate is not required at all. The respondent No.3 is also directed to permit the petitioner to take the requisite exam, and after accepting the application form without insisting on the production of the Eligibility certificate. ✓

List on 22.06.2026.

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

MS
SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Health and Family Welfare (MoHFW), Nirman Bhawan, Maulana Azad Road, New Delhi-110011
2. The Secretary, National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi - 110077 (Addressee Nos.1 & 2 by **RPAD**)
3. The President, National Board of Examinations in Medical Sciences, NAMS Building, Ansari Nagar, Mahatma Gandhi Marg (Ring Road), New Delhi-110029 (by **RPAD** – along with a copy of affidavit and petition)
4. One CC to Sri. Thandava Yogesh, Advocate [OPUC]
5. One CC to Sri. Josyula Bhakara Rao, Standing Counsel [OPUC]
6. One CC to Sri Vivek Chandra Sekhar.S, Standing Counsel [OPUC]
7. Two spare copies

HIGH COURT

HC,J

&

RRR,J

DATED:23/04/2026

LIST ON 22.06.2026

NOTICE BEFORE ADMISSION

WP.No.11177 of 2026

DIRECTION

