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

+ **W.P.(C) 3268/2025**

RAVI UPADHYAY

.....Petitioner

Through: Mr. Anuj Aggarwal, Mr. Shubham Bahl, Ms. Kritika Matta and Mr. Pradeep Kumar, Advocates.

versus

**NATIONAL BOARD OF EXAMINATIONS IN MEDICAL
SCIENCES & ORS.**

.....Respondents

Through: Ms. Neha Rastogi, Senior Panel Counsel with Ms. Archana Kumari, Govt. Pleader for R2.
Mr. T. Singhdev, Mr. Abhijit Chakravarty, Mr. Saurabh Kumar, Mr. Tanishq Srivastava and Ms. Yamini Singh, Advocates for R3.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.03.2025

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CM APPL. 15414/2025

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Present petition has been filed by the petitioner with the following reliefs:



“(i) issue an appropriate Writ, Order or direction, thereby setting aside the impugned Letter/Order dated 27.01.2025, issued by the National Board of Examinations in Medical Sciences, whereby the candidature of the petitioner for the Foreign Medical Graduate Examination (FMGE), 2023 (June Session) was cancelled;

(ii) issue an appropriate Writ, Order or direction thereby setting aside the impugned Clause 2.12 of the Notification dated June 2023, issued by the National Board of Examinations in Medical Sciences, for Foreign Medical Graduate Examination 2023 (June Session) to the extent it provides that the candidates appearing for the said examination must have qualified the final examination for primary medical qualification, or obtained equivalent degree, on/before 30.04.2023;

(iii) issue an appropriate Writ, Order or direction thereby declaring that Pass Certificate dated 20.09.2023, as issued by NBEMS to the petitioner, is valid and legal;

(iv) issue an appropriate Writ, Order or direction thereby declaring that the internship period of the petitioner in Hindu Rao Hospital, Delhi w.e.f. 26.10.2023 to 25.10.2024 is valid and legal for pursuing further courses/qualifications;

(v) Allow the present writ petition with exemplary compensation, costs and litigation expenses in favour of the petitioner”

4. Mr. Anuj Aggarwal, learned counsel appearing on behalf of the petitioner submits that petitioner had pursued his M.D. Physician Degree from I.I.C. Caucasus International University, Georgia, a qualification equivalent to MBBS in India.

5. The petitioner thereafter applied for Eligibility Certificate from Medical Council of India (Now National Medical Commission) in August, 2017 and was granted the same on 23.01.2018.

6. He submits that National Board of Examination in Medical Science



issued a notification in June, 2023, announcing FMGE qualification and Pass Certification Examination (June Session) and stating in Clause 2.12 that candidates must have obtained their Degree by 13.04.2023. He submits that petitioner submitted his FMGE application before the last date, i.e., 20.06.2023 using his provisional certificate dated 18.07.2022 as he had not yet received his apostilled degree.

7. He submits that NBEMS issued a pass certificate confirming that the petitioner had cleared the FMGS. Based on this, Delhi Medical Council granted Provisional Medical Registration and the petitioner started his Compulsory Rotary Medical Internship (CRMI) at Hindu Rao Hospital from 26.10.2023 to 25.10.2025.

8. He submits that on 21.09.2024, NBEMS issued a show-cause notice questioning the validity of the petitioner's provisional certificate, to which the petitioner submitted a reply, however, NBEMS vide impugned order dated 27.01.2025 unilaterally cancelled the petitioner's FMGE qualification citing that he had not completed his medical degree before the cut-off date i.e. 30.04.2023.

9. Mr. Aggarwal submits that the cut-off date i.e. 30.04.2023 is arbitrary, inasmuch as the last date for making an application was 20.06.2023. He further submits that cancelling of petitioner's FMGE qualification at a belated stage and requiring him to retake the examination and repeat his internship will cause undue hardship to the petitioner and would adversely affect his career.

10. In view of the above, issue notice.

11. Mr. T. Singhdev, learned standing counsel appearing on behalf of respondent No.3 accepts notice. Ms. Nega Rastogi, learned Sr. Panel



Counsel accepts notice for respondent No.2.

12. On petitioner taking steps, issue notice to the respondent No.1 by all permissible modes, returnable on 16.05.2025.

VIKAS MAHAJAN, J

MARCH 17, 2025/jg