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

+ W.P.(C) 6043/2025 and CM APPL. 27590/2025

DR RAM KUMAR SHAPetitioner

Through: Mr. Adeel Ahmed, Advocate.

versus

THE UNION OF INDIA AND ORS.Respondents

Through: Mr. Rakesh Kumar, CGSC for R1 to R3.

Mr. T. Singhdev, Ms. Anum Hussain and Ms. Yamini Singh, Advocates for R5.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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07.05.2025

1. The present petition has been filed by the petitioner seeking following reliefs:

“In light of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be pleased to:

a) Direct the Respondent No.5 to issue Eligibility Certificate to the Petitioner and allow the Petitioner to appear for the Foreign Medical Graduate Examination (FMGE); and/or

b) Or in the alternative, direct the Respondent No. 4 to consider the NEETPG qualification of the Petitioner as “Eligibility Certificate” and allow the Petitioner to appear for the Foreign Medical Graduate Examination (FMGE); and/or

c) Or in the alternative, direct the Respondent No.6 to consider the application of the Petitioner dated 23/05/2024 with reference no:- 246094183493ADD, praying for grant of Additional Certificate, so that Certificate of Completion



of Training (CCT) issued by the Postgraduate Medical Education & Training Board (PGMETB)(as he has completed his MD-Pediatrics from Rajshree Medical Research Institute, Bareilly, which comes under the 1st Schedule of the IMC Act), maybe considered for registration as additional qualification in terms of the Notification No.MCI-203(1)(Gen.)/2019-Regn./127429-58 dated: 03.07.2019 issued by the Medical Council of India, and the Petitioner need not re register for the purpose of practice in India”

2. At the outset, Mr. Adeel Ahmed, learned counsel appearing on behalf of the petitioner submits that since one of the reasons for rejection of petitioner’ application by the respondent no.4 for taking FMGE exam is that the petitioner’s intermediate qualification of GED Board is not recognized by the Association of Indian Universities, he submits that the Association of Indian Universities is a necessary party. Therefore, on an oral request of Mr. Ahmed, Association of Indian Universities is impleaded as respondent no.7 in the present writ petition. Let amended memo of parties be filed within a period of three weeks.

3. The case set out by the petitioner in the present petition is that the petitioner is a foreign national of Nepali origin, who has qualified as a medical doctor and now seeks to appear for the Foreign Medical Graduate Examination (‘FMGE’, for short) scheduled to be held in July, 2025, for the purpose of obtaining permanent medical registration in India.

4. Mr. Ahmed submits that on 22.05.2024, petitioner submitted an application to the respondent no.4 i.e. National Board of Examinations in Medical Sciences (‘NBEMS’, for short) seeking an eligibility certificate for appearing in the FMGE scheduled in July, 2025. However, the application was summarily rejected on the ground that the petitioner’s intermediate



qualification from GED Board is not recognized by the Association of Indian Universities, which supposedly does not accept distant or open schooling education for such purposes.

5. He submits that the petitioner has cleared the NEET-PG2020 Examination and was thereafter allotted a seat in Rajshree Medical Research Institute, Bareilly, Uttar Pradesh under Mahatma Jyotiba Phule Rohilkhand University for the MD (Paediatric) course through the counselling conducted by the Directorate General of Medical Education and Training, Uttar Pradesh.

6. He submits that Medical Council of India (now NMC) on 13.08.2020 had granted to the petitioner a temporary registration certificate enabling him to pursue the MD Programme in India. He further contends that upon successful completion of MD Paediatric Programme, the petitioner on 23.05.2024 applied for recognition and grant of Additional Certificate to the concerned authority, having fulfilled all requisite criteria under the Indian Medical Council Act including payment of fee. However, the said certificate has not yet been issued.

7. The learned counsel appearing on behalf of the petitioner also invites attention of the Court to the eligibility criteria for taking FMGE as contained in the Information Bulletin published by the respondent no.4, to contend that the Indian citizens as well as the citizens of Nepal are treated at par insofar as the eligibility criteria is concerned.

8. He contends that the rejection of petitioner's application by the respondent no.4 is arbitrary and mechanical.

9. In view of the above, issue notice. Mr. Rakesh Kumar, learned CGSC appearing on behalf of respondent nos. 1 to 3 accepts notice. Likewise, Mr.



T. Singhdev, learned counsel appearing on behalf of respondent no.5 accepts notice.

10. On petitioner taking steps, issue notice to the remaining respondents by all permissible modes, returnable on 18.07.2025.

11. Let counter-affidavits be filed within a period of four weeks. Rejoinders thereto be filed within a period of two weeks thereafter.

VIKAS MAHAJAN, J

MAY 7, 2025/jg