



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 15349 of 2026
and WMP. No.16561 of 2026**

Zinnatul Bakia Pramanik,
S/o Shri Moydan Ali Pramanik
Flat no 703, Tower 33, North Town Apartments,
Stephenson Road, binny Garden, perambur,
Chennai 600 012

..Petitioner(s)

Vs

1. The union of India
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan,
New Delhi 110 011.
2. National Board of Examinations in Medical
Sciences,
Medical Enclave, Ansari nagar,
Mahatma Gandhi marg,
New Delhi 110 029
3. The Secretary
National Medical commission,
Pocket 14, Sector -8, Dwarka Phase 1
New Delhi 110 077

..Respondent(s)

Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to draw fresh guidelines and policies by framing a transparent and standardised process in conducting Foreign Medical Graduates Examination (FMGE), Publishing the question paper and the corresponding answer key and provide applicants access to their answer sheets for revaluation and self assessment so as to enable doctors



who completed their degree abroad to be able to obtain license and practice in India.

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For Petitioner(s):

Mr. R.Vishnu

For Respondent(s):

Mr.K.Seetharam R1

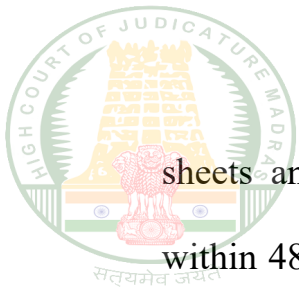
Mr.R.Thirunavukkarasu R2

ORDER

The writ petition has been filed seeking a direction to the respondents 1 to 3 to draw fresh guidelines and policies by framing a transparent and standardised process in conducting Foreign Medical Graduates Examination (FMGE), Publishing the question paper and the corresponding answer key and provide applicants access to their answer sheets for revaluation and self assessment so as to enable doctors who completed their degree abroad to be able to obtain license and practice in India.

2. Heard the learned counsel for the petitioner as well as the learned Government Counsel appearing for the respondents and perused the materials available on record.

3. The petitioner, a foreign medical graduate from Hebei Medical University, China completed MBBS in 2018. He has appeared for FMGE approximately 12 times between 2020-2025 but failed to secure the minimum 150/300 marks. The petitioner contends that NBEMS conducts the examination in an opaque manner by not disclosing question papers, answer keys or response

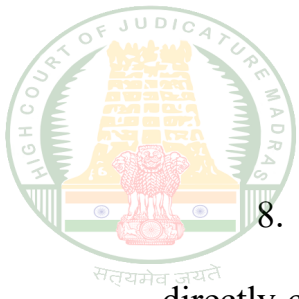


sheets and by not providing re-evaluation. Candidates must raise objections within 48 hours without access to questions. The pass percentage has remained below 25% for a decade. Such practice, when NEET-UG and UPSC disclose keys, is arbitrary, discriminatory and violates Article 14 and 21 of the Constitution.

5. The learned Counsel appearing for the first respondent submitted that FMGE is a statutory screening test under Section 15 of the NMC Act, 2019, to ensure minimum competence. As per the information Bulletin, question papers are not shared to protect the limited question bank which is reused. Disclosure is exempt under Section 8(1)(d) of the RTI Act 2005 as it would compromise the integrity of future exams.

6. This Court has given its anxious consideration to the submissions.

7. The conduct of FMGE, including the mode of examination, evaluation and disclosure policy falls squarely within the academic and policy domain of expert bodies like NBEMS and NMC. The Hon'ble Apex Court in the case of ***Maharashtra State Board V. Parithosh Bhupeshkumar Sheth (1984) 4 SCC 27*** has categorically held that *Courts cannot interfere with academic policies or direct re-evaluation unless the Rules provide for it.*



8. The prayer for disclosure of question papers and answer keys is directly covered by the judgment of the Delhi High Court in the case of ***K.Sita Devi Vs. NBE*** wherein it has held that the decision of NBEMS to withhold question papers to maintain the sanctity of its question bank is a reasonable policy decision and does not suffer from arbitrariness. FMGE is a qualifying screening test, not a competitive examination for limited seats like NEET-UG. hence, the classification is intelligible and has a rational nexus with the object sought to be achieved.

9. The petitioner's reliance on Article 21 is misplaced. The right to practice medicine is subject to reasonable restrictions under Article 19(6). Prescribing a screening test and the method of its conduct is a valid restriction. The petitioner has availed 12 attempts and there is no cap on attempts. Thus, he is not remediless.

10. The low pass percentage by itself cannot be a ground to conclude that the evaluation is flawed. It is a reflection of the standard of the examination. This Court cannot prescribe a lower standard or direct disclosure contrary to the expert body's policy merely because the success rate is low.

11. In view of the settled legal position and the binding precedent of the



Delhi High Court on the identical issue, this Court finds no merit in the present writ petition. No case is made out for issuance of Writ of Mandamus.

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12. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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M.DHANDAPANI, J.

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