

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

WRIT PETITION (CIVIL) NO.168 OF 2013

ANSARI MAHIN FATEMA & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for interim Relief)

Date: 02/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s) Ms. June Chaudhuri, Sr. Adv.
Mr. Shakil Ahmed Syed, Adv.
Mr. Mohd. Parvez Dabas, Adv.
Mr. S.A. Saud, Adv.
Mr. Shuaib-uddin, Adv.
Mr. Mohd. Moonis Abbasi, Adv.

For Respondent(s) Mr. Nidhesh Gupta, Sr. Adv.
No.3-MCI: Mr. Amit Kumar, Adv.
Mr. Ankit R., Adv.

For Respondent No.4/
DCI: Ms. Pratibha M. Singh, Adv.
Mr. Tejveer Singh Bhatia, Adv.
Mr. Gaurav Sharma, Adv.
Ms. Surbhi Mehta, Adv.

For Respondent No.5/
CBSE: Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.
Mr. Rajeev Sharma, Adv.

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

This writ petition has been filed by twenty one persons complaining of the fact that, for the NEET Examination to be conducted this year by the

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Medical Council of India, Urdu, as a medium, for appearing in the Examination has been excluded, thereby disabling the petitioners and other similarly situated persons, within the State of Maharashtra, from taking the examination. Mrs. June Chaudhuri, learned counsel appearing for the petitioners, has brought to our notice that Urdu was being used as a medium of the examination process in Maharashtra for the medical examination, may be in a different discipline, but all of a sudden, a decision has been taken by the Central Board of Secondary Education, which is conducting the NEET Examination, to exclude Urdu this year as a medium for conducting the examination.

On the other hand, on behalf of the Medical Council of India and also on behalf of the Central Board of Secondary

Education, it has been submitted that the State Governments were individually invited to give their options regarding the languages in which they wanted the examination to be conducted and that, in Maharashtra, only Marathi was recommended by the State Government for the aforesaid purpose and, accordingly, Urdu had not been included.

Be that as it may, from the material as produced before us by Ms. Chaudhuri, it appears that a large number of students, who have pursued the discipline consisting of Physics, Chemistry and Biology in the Urdu medium, may have been denied the opportunity of competing the NEET Examination. She also pointed out to several letters written by different school authorities indicating the same.

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Of course, the genuineness of the said letters has been questioned by Mr. Nidhesh Gupta, but it does appear from the other statistics given that there are a large number of students, who have studied in schools in the Urdu medium.

Having regard to the above, as a one-time measure only for this year, since there has been a change effected from the current year, the students in Maharashtra, represented by the petitioners herein, will be permitted to sit for the NEET Examination in the Urdu language. Since the examination is already slated for 5th May, 2013, the same need not be disturbed, but a supplementary examination for the self-same purpose should be held eight weeks' hence for the students of Maharashtra to sit for the examination in the Urdu language. A suitable date may be fixed for the examination within which period other steps can be taken to complete the entire process. We make it clear that the applications may be invited within a certain time-frame and only those who apply, will be entitled to take the advantage or benefit of this Order. Those who have already applied to sit for the examination in English or any other language, which has been included as a scheduled language, will not, however, be permitted to change their option and they will have to sit for the examination in the language for which they have opted.

The writ petition is disposed of accordingly.

[T.I. Rajput]
Deputy Registrar

[Juginder Kaur]
Assistant Registrar