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भारतीय आयुर्विज्ञान परिषद के अधिक्रमण में शासी बोर्ड
BOARD OF GOVERNORS
IN SUPERSESSION OF MEDICAL COUNCIL OF INDIA

No. MCI-7(10)/10/2020-Legal/19048/ 116202

Date: 25-08-2020

BY EMAIL/SPEED POST

To
Shri Peeyoosh Bharat Saini
SPA Holder of Ms. Ishika Kumari
s/o. Late Shri Ramesh Chand
R/o. House No. 377, GH 5 & 7, Paschim Vihar
New Delhi-110087

Subject:- Disposal of your representation in pursuance of Order dated 29.07.2020 of the Hon'ble High Court of Delhi in WP (C) No. 4708/2020 – Peeyoosh Bharat Saini vs. MCI & Anr. – Reg.

Sir,

This communication is being made in pursuance of order dated 29th July 2020 of the Hon'ble High Court of Delhi in WP(C) No. 4708/2020 – Peeyush Bharat Saini Vs. Medical Council of India & Ors. Briefly, stated the Writ Petition was filed by you on behalf of Ms. Ishika Kumari who intends to join a Foreign Medical Institution and wishes to proceed abroad before 15.09.2020. She is seeking exemption from the requirement of appearing in NEET- UG 2020. The order dated 29th July 2020 passed by the Hon'ble High Court reads as under:-

“This matter is being heard through video-conferencing.

CM APPL. 16938/2020 (for exemption)

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

W.P.(C) 4708/2020

The present petition has been filed by Ishika Kumari through her power of attorney holder, Peeyoosh Bharat Saini. It has been pointed out to Mr. Ashish Upadhyay that the name of Ishika Kumari should be reflected as petitioner through her special power of attorney. He states that amended memo of parties shall be filed during the course of the day. The statement is taken on record.



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2. The present petition has been filed by the petitioner with the following prayers:

"It is therefore most respectfully prayed in view of the aforesaid facts and circumstances to this Hon'ble Court to be pleased to issue a Writ in the nature of.

A. Mandamus thereby directing the respondents to grant one time exemption to Ms. Ishika Kumari D/o. Pradeep Kumar R/o.102, Malviya Nagar, Sector-1, Jaipur as an exception from the requirement of having to clear NEET for admission to Overseas Medical Course in Foreign University for the Current Academic Session i.e. 2020-2021.

B. Grant such other or further reliefs as this Hon'ble Court may in the facts and circumstances of this case, deem fit, expedient and/or appropriate."

3. In substance the grievance of the petitioner is that she intends to pursue undergraduate medical course from Bukhara State Medical Institute, Uzbekistan. The last date of admission for undergraduate medical course is August 20, 2020. According to the petitioner, the eligibility of possessing NEET qualification is a pre-requisite for an Indian Citizen who undertakes a medical course in a foreign country. According to the petitioner, as the NEET examination in the country is scheduled for September 13, 2020, it may not be possible for her to meet the said eligibility.

It is noted and also conceded by Mr. Ashish Upadhyay that the petitioner has not approached the authorities with her grievance as raised in the writ petition. Appropriate shall be, for this Court to dispose of the writ petition directing the Medical Council of India / respondent No.1 in consultation with the Ministry of Health and Family Welfare to consider the writ petition as a representation and dispose of the same within a period of three weeks from today and communicate the decision to the petitioner.

4. I take on record the submission made by Mr. Singhdev, learned counsel appearing for the respondent No.1 / Medical Council of India and Mr. Ankit Raj, learned counsel appearing for the respondent Nos.2 to 4 that the said respondents shall comply with the order passed by this Court expeditiously.

5. With the aforesaid, the writ petition is disposed of.

6. Copy of this order be uploaded on the website of this Court."

2. In pursuance of the order passed by Hon'ble High Court your representation was considered by the BoG-MCI and vide MCI Letter No. MCI-7 (10)/2020-Legal/(19408)/114188-91 dated 14th August 2020, the views of the BoG, MCI were



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communicated to the Ministry of Health and Family Welfare, Govt. of India. It was inter alia stated in the said communication as below:-

“11. the requirement of qualifying NEET-UG is mandatory for aspirants of MBBS or its equivalent qualification from any Foreign Country.

12. Concerning the present year, in view of the Covid -19 Pandemic, the NEET-UG 2020 which was first scheduled on 3rd May 2020, got to be rescheduled to 27th July 2020 and is now likely to take place on 13th September 2020. It is the contention of Petitioner in the aforesaid writ petition before the Hon'ble Delhi High Court, that classes in Foreign Medical Institutes are likely to commence from 15th September and she has to complete her admission formalities prior to that date, by which time NEET-UG 2020 Results would not be declared. Thus, she stands to lose an academic year in the process.

13. Therefore, in order to address the grievance of candidates like the Petitioner, owing to the extra ordinary situation of COVID 19 Pandemic, as a one-time measure, it would be appropriate to permit such aspirants to take admission in Foreign Medical Institutes, provided they fulfil the criteria as provided in the “Eligibility Requirement For Taking Admission In An Undergraduate Medical Course in a Foreign Medical Institution Regulations, 2002” as well as “the Screening Test Regulations, 2002” read with “Regulations on Graduate Medical Education, 1997” for admission to MBBS course. However, it would be mandatory for such candidates to qualify the NEET-UG in 2020 or 2021. In case, such candidates fail to qualify NEET-UG in 2020 or 2021, their decision to continue their Foreign Medical Courses thereafter shall be at their own risk, as they shall not be entitled to appear for the Screening Test and thereby would not be entitled for grant of Provisional/Permanent Registration by the State Medical Councils. Further, it is incumbent upon such candidates to faithfully follow with norms laid down by the Central Government for travelling abroad in view of COVID 19 Pandemic.”

3. Vide letter in File No. C.18018/18/2020-MEP dated 25th August 2020, the Ministry of Health and Family Welfare, Government of India has conveyed its concurrence on the views as articulated through the letter dated 14th August 2020 of BoG-MCI.



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4. Accordingly, the candidate Ms. Ishika Kumari, owing to the extra ordinary situation of COVID 19 Pandemic, as a one-time measure, may proceed abroad for taking admission in a Foreign Medical Institute for obtaining Primary Medical Qualification, provided she fulfils the criteria as provided in the "Eligibility Requirement For Taking Admission In An Undergraduate Medical Course in a Foreign Medical Institution Regulations, 2002" as well as "the Screening Test Regulations, 2002" read with "Regulations on Graduate Medical Education, 1997" for admission to MBBS course. However, it is incumbent upon her to qualify the NEET-UG in 2020 or 2021. In case, she fails to qualify NEET-UG in 2020 or 2021, her decision to continue her Foreign Medical Courses thereafter shall be at her own risk, as she shall not be entitled to appear for the Screening Test and thereby would not be entitled for grant of Provisional/Permanent Registration by the concerned State Medical Council. Further, it is incumbent upon her to faithfully follow with norms laid down by the Central Government for travelling abroad in view of COVID 19 Pandemic.

5. With this your representation stands disposed.

Yours faithfully,

(Dr. R.K. Vats)
Secretary General

Copy to:-

1. Shri T. Singhdev, Standing Counsel of MCI in the Hon'ble High Court of Delhi
2. Shri Ashish Upadhayay, Counsel for Petitioner, Chamber No. 248, Patiala House Court, New Delhi-110001 [Email: ashishupadhayay@gmail.com]
3. Guard File