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

% ***Date of Decision: October 30th, 2026***

\# **CNR No. DLHC010524112026**

\+ **W.P.(C) 16113/2026, CM APPL. 75419/2026 & CM APPL. 75420/2026**

METHA A M .....Petitioners

Through: Mr. Gautam Singh, Adv.

versus

NATIONAL MEDICAL COMMISSION & ORS. .....Respondents

Through: Mr. Bishwa Bandhu, SC with Ms. Nisha & Ms. Kumari Aastha, Advs. for R1
Ms. Manisha Agrawal Narain, CGSC with Mr. Nipun Jain, Adv. for R1 & R2
Mr. Waize Ali Noor, Mr. Mrinal Kumar Sharma & Mr. Zillur Rahman, Advs. for R2
Ms. Aishwarya Srivastava, Adv. for R3

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\# **CNR No. DLHC010524242026**

\+ **W.P.(C) 16126/2026, CM APPL. 75445/2026 & CM APPL. 75449/2026**

DERIC CHRISTOPHER .....Petitioners

Through: Mr. Gautam Singh, Adv.

versus

NATIONAL MEDICAL COMMISSION & ORS. .....Respondents

Through: Mr. Bishwa Bandhu, SC with

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Ms. Nisha & Ms. Kumari Aastha, Advs. for R1
Mr. Waize Ali Noor, Mr. Mrinal Kumar Sharma & Mr. Zillur Rahman, Advs. for R2
Ms. Manisha Agrawal Narain, CGSC with Mr. Nipun Jain, Adv. for R1 & R2
Ms. Aishwarya Srivastava, Adv. for R3

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. By the present petitions, the petitioners seek issuance of a direction to Respondent Nos. 1 and 2 to acknowledge the petitioners' NEET (UG) 2020 Score Cards as *Deemed Eligibility Certificate* for the purpose of the Foreign Medical Graduate Examinations ('FMGE'), 2026.

2. Briefly stated, the petitioner/Metha A M and the petitioner/Deric Christopher had applied for the NEET 2020 examinations under the '*unreserved category*' and had obtained 114/720 marks and 146/720 marks respectively. In terms of the qualifying criteria prescribed under the NEET (UG) 2020 Information Bulletin, a candidate belonging to the unreserved category was required to secure a minimum of 50th percentile which in the petitioners' case corresponded to a score of 147 marks.

3. The petitioners thereafter pursued medical education from the Davao Medical School Foundation, Philippines and were conferred

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with the '*Doctor of Medicine'* degree in the year 2026. The petitioners are now desirous of practicing medicine in India and are consequently required to appear in the FMGE. The petitioners' in the present case had duly submitted the application forms for the FMGE, October 2026 examinations. However, *vide* separate emails, the petitioners were informed that their application forms were deficient inasmuch as the petitioners had failed to submit the requisite Eligibility Certificate/NEET UG Score Card. Petitioner/Metha received the aforesaid email communicating the said deficiency on 10.10.2026 whereas Petitioner/Deric Christopher received the communication on 14.10.2026. Despite receiving the aforesaid communications, the petitioners failed to submit the requisite Eligibility Certificate within the prescribed timeline being 21.10.2026 (11:55 PM). Consequently, no admit card was issued to the petitioners for appearing in the FMGE.

4. Aggrieved by the same, the petitioners have approached this Court seeking a direction to Respondent Nos. 1 and 2 to accept the petitioners' NEET (UG) 2020 score card as deemed *Eligibility Certificate* for the FMGE, October 2026. It is the case of the petitioners that they had qualified the NEET (UG) 2026 examinations under the OBC category. Consequently, the petitioners pray that a direction be issued to Respondent Nos. 1 and 2 to accept the candidature of the petitioners for the October 2026 Session in the light of their NEET (UG) 2020 Score cards.

5. The learned counsel for the petitioners' submits that the petitioners have qualified the NEET UG 2020 examination in the

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OBC category. He submits that OBC certificates were issued to the petitioners by the competent authority in the year 2020. He submits that as per the prescribed criteria, the petitioners, belonging to the OBC category, were required to secure only 113/720 marks for qualifying the NEET (UG) 2020 examinations. He submits that since the petitioners in the respective petitions scored 114/720 and 146/720, they had duly qualified the NEET (UG) 2020 examinations under the OBC category. He submits that the petitioners were unable to cure the deficiency within the stipulated time period on account of the absence of a grievance redressal forum.

6. He consequently prays that Respondent Nos. 1 and 2 be now directed to accept the NEET (UG) 2020 Score cards of the petitioners as *Deemed Eligibility Certificate*, and they be issued admit cards for appearing in the FMGE October 2026 Session.

7. *Per contra*, the learned Standing Counsel for Respondent No. 1 submits that Respondent No. 1 is a statutory regulatory body entrusted with the regulation of medical education and the prescription of applicable standards rules and regulations. He submits that the FMGE examinations are conducted by Respondent No. 2 whereas the NEET (UG) is conducted by Respondent No. 3. He submits that the deficiency in the respective applications was communicated to the petitioners by Respondent No. 2 which is the body entrusted with the conduction of the FMGE examinations and consequently, no specific independent act has been established that would warrant any relief claimed against Respondent No. 1.

8. He submits that even otherwise, in terms of Clause 4.6.2 of the

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Information Bulletin for the FMGE October 2026, the result of NEET UG is treated as a *Deemed Eligibility Certificate.* He submits that the onus was on the petitioners to cure and furnish the requisite documents within the stipulated time period. He submits that the petitioners, having failed to do so, cannot seek to attribute any consequences of the deficiency to Respondent No. 1 merely because eligibility framework is prescribed by the regulatory authority.

9. The learned counsel for Respondent No. 2 submits that the deficiencies were communicated to the petitioners in the respective petitions on 10.10.2026 and 14.10.2026 and the onus was on the petitioners to cure the said deficiency by submitting the *Eligibility Certificate/*NEET Score Card within the prescribed time frame being 21.10.2026 [11:55 PM]. He submits that the petitioners having failed to do so, cannot, at this belated stage seek issuance of admit cards. He submits that even otherwise, the Score Card of the petitioners clearly reflect that they had applied for the NEET UG 2020 examinations under the 'unreserved' category and had failed to qualify the same. He submits that the petitioners have placed reliance on the community certificates obtained by the respective petitioners after the declaration of NEET UG 2020 results on 16.10.2020 to claim that the benefit under the OBC Category.

10. He submits that such claim for change in category from 'unreserved' to 'OBC' is highly belated and ought to be rejected. He submits that after 6 years of appearing in the NEET (UG) 2020 examinations under the 'unreserved' category, the petitioners cannot now claim that since they belonged to OBC category, their results

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ought to be considered. He consequently submits that even otherwise, since the petitioners failed to qualify the NEET (UG) 2020 examinations in the selected category, their Score Card in any event cannot be deemed to be an *Eligibility Certificate* for the purpose of the FMGE.

11. The said stance has further been affirmed on behalf of the NTA/Respondent No. 3. The learned counsel for Respondent No. 3 submits that since the petitioners had filled the application form under the 'unreserved category', they were required to secure a minimum of 147/720 marks. She submits that the certificates relied upon by the petitioners were issued after the declaration of the NEET (UG) 2020 results on 16.10.2020. She submits that as per the NEET (UG) 2020 Information Bulletin, eligibility of a candidate is to be determined with reference to the last date prescribed for submission of the application form. She submits that the petitioners, therefore, cannot, nearly six years after the declaration of result, rely upon a certificate obtained subsequent to the declaration of the results to retrospectively claim the benefit of a reserved category in respect of NEET (UG) 2020. She submits that even otherwise, the benefit of reservation as per the NEET UG Bulletin was only available to candidates belonging to the OBC non creamy layer category and those who formed part of the central list of OBC. She submits that the petitioners, barring a community certificate, have not placed on record any certificate evidencing their status as an OBC-NCL candidate under the Central List. She submits that the only certificates relied upon by the petitioners is a community certificate issued by the Government of

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Tamil Nadu, however, the said certificates neither establishes nor certifies their non-creamy layer status in the *performa* prescribed under the NEET (UG) 2020 Information Bulletin. She further submits that a change of category after the declaration of result is highly prohibited.

12. I have taken note of the rival contentions advanced by the parties and have carefully traversed the record. While the petitioners failed to cure the deficiency by submitting their NEET (UG) 2020 Score Cards within the prescribed timeline, the short point that arises for determination of this Court is whether the NEET (UG) 2020 Score Cards of the petitioners can even otherwise be validly directed to be considered by the respondent authorities as Eligibility Certificate for the FMGE examinations in the light of the contention of the petitioners that they had qualified the examination under the OBC Category.

13. Before this Court embarks on the journey of determining the same, it is pertinent to briefly trace the statutory position in relation to FMGE and the prerequisite of obtaining an Eligibility Certificate.

14. Pertinently, the FMGE is a screening test for foreign medical graduates, and the same owes its genesis to Section 13(4A) of the *erstwhile* Indian Medical Council Act, 1956 (now National Medical Commission Act, 2019). Section 13 (4A) and (4B) of the *erstwhile* Indian Medical Council Act, 1956 prescribes as follows:

> *"13 (4A) A person who is a citizen of India and obtains medical qualification granted by any medical institution in any country outside India recognized for enrolment as medical practitioner in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be*

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> *enrolled on any Medical Register maintained by a State Medical Council or to have his name entered in the Indian Medical Register unless he qualifies the screening test in India prescribed for such purpose and such foreign medical qualification after such person qualifies the said screening test shall be deemed to be the recognised medical qualification for the purposes of this Act for that person.*
> *(4B) A person who is a citizen of India shall not, after such date as may be specified by the Central Government under sub-section (3), be eligible to get admission to obtain medical qualification granted by any medical institution in any foreign country without obtaining an eligibility certificate issued to him by the Council and in case any such person obtains such qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test referred to in sub-section (4A):*
> *Provided that an Indian citizen who has acquired the medical qualification from foreign medical institution or has obtained admission in foreign medical institution before the commencement of the Indian Medical Council (Amendment) Act, 2001 shall not be required to obtain eligibility certificate under this sub-section but, if he is qualified for admission to any medical course for recognized medical qualification in any medical institution in India, he shall be required to qualify only the screening test prescribed for enrolment on any State Medical Register or for entering his name in the Indian Medical Register."*

15. Pursuant to the same, the then Medical Council of India framed the Screening Test Regulations, 2002 which came into force on 15.03.2002. Regulation 3 of the Screening Test Regulations, 2002 provides that an Indian citizen or overseas citizen of India holding a primary medical qualification awarded by a medical council outside India and desirous of obtaining a provisional or permanent registration with the Medical Council of India or any State Medical Council, is required to qualify a screening test conducted by the prescribing authority [which in the present case is Respondent No. 2].

16. Furthermore, Regulation 4 of the Screening Test Regulations, 2002 stipulates an 'Eligibility Criteria' for the Screening Test. One of

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the criterion under Regulation 4 pertains to the requirement of obtaining an '*Eligibility Certificate*' from the Medical Council of India. The relevant portion of Regulation 4 of the Screening Test Regulations, 2002 is as follows:

> *"4. No person shall be allowed to appear in the screening test unless:*
> ….
> *(2) he/she had obtained 'Eligibility Certificate' from the Medical Council of India as per the 'Eligibility Requirement for taking admission in an undergraduate medical course in a Foreign Medical Institution Regulations, 2002'. This requirement shall not be necessary in respect of Indian citizens who have acquired the medical qualifications from foreign medical institutions or have obtained admission in foreign medical institution before 15th March, 2002."*

17. Regulation 3 of the aforementioned Foreign Medical Institution Regulations, 2002 in turn provides that a candidate who has passed the qualifying examination [higher secondary examination or ISCE which is equivalent to 10+2] either from India or abroad and is desirous of joining an undergraduate medical course in any foreign medical institution on or after 15.03.2002 shall have to approach the Medical Council for issuance of the Eligibility Certificate for that purpose. Put otherwise, from a reading of the aforesaid, it transpires that any candidate who aspired to obtain medical education from any foreign medical institution is required to obtain an *Eligibility Certificate prior to* joining an undergraduate medical course in any foreign medical institution.

18. Consequently, the candidates desirous of obtaining medical education from any foreign medical institution had to obtain an Eligibility Certificate prior to joining an undergraduate medical course

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in any foreign medical institution, and if the said candidate was desirous of practising in India thereafter, the candidate was required to qualify a Screening test in India prescribed for such purpose.

19. The said position of obtaining an Eligibility Certificate was however modified by way of a notification dated 01.03.2018 which inserted the following clause in Regulation 4 of the Screening Test Regulations, 2002:

> *"2(A) Indian Citizens/Overseas Citizen of India intending to obtain primary medical qualification from any medical institution outside India, on or after May 2018, shall have to mandatorily qualify the 'National-Eligibility-cum-Entrance Test for Admission to MBBS course'. The result of the 'National-Eligibility-cum-Entrance Test for Admission to MBBS course' shall deem to be treated as the Eligibility Certificate for such persons, provided that such persons fulfils the Eligibility Criteria for admission to the MBBS course prescribed in the Regulations on Graduate Medical Education, 1997."*

20. In terms of the aforementioned clause as quoted *supra*, Indian citizens and overseas citizen of India intending to obtain a primary medical qualification from any medical Institution outside India on or after May 2018 is mandatorily required to qualify the NEET examination, and their result in the said examination would be *deemed* to be treated as Eligibility Certificate for such candidate.

21. Similar insertion was also made under Regulation 8(iv) of the Foreign Medical Institution Regulations, 2002 which provided the following:

> *In regulation 8 under heading "Eligibility Criteria", the following Clause (iv) has been added after Clause 8(iii) in terms of Notification published on 01.03.2018 in the Gazette of India.*
> *"(iv) Indian Citizens/Overseas Citizen of India intending to obtain primary medical qualification from any medical institution outside India, on or after May 2018, shall have to mandatorily qualify the*

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> *'National-Eligibility-cum-Entrance Test for Admission to MBBS course'. The result of the 'National-Eligibility-cum-Entrance Test for Admission to MBBS course' shall deem to be treated as the Eligibility Certificate for such persons, provided that such persons fulfils the Eligibility Criteria for admission to the MBBS course prescribed in the Regulations on Graduate Medical Education, 1997."*

22. Consequently, post the amendment, any candidate desirous of obtaining primary medical qualification from any medical institution outside India, on or after May 2018, shall have to mandatorily qualify the NEET examination.

23. The said addition under Regulation 8(iv) of the Foreign Medical Institution Regulations, 2002 came up for consideration before the Hon'ble Apex Court in the case of ***Arunaditya Dubey v. Medical Council Of India and Anr*** **: Writ Petition (Civil) No. 1205/2019**, and by judgment dated 04.02.2025, the Hon'ble Apex Court while affirming the validity of the said amendments observed as follows:

> *"4. The regulation has been brought in, invoking the power under Section 33 of the Act which empowers the Council, with the previous sanction of the Central Government, to make any regulation generally to carry out the provisions of the Act. The requirement of an Eligibility Certificate from the Medical Council had been provided by section 13(4B) by an amendment in the year 2001 and the incorporation of sub-Clause (iv) under Clause 8 in the year 2018; mandating qualification in the NEET exam, ensures a fair and transparent procedure in the grant of Eligibility Certificate. The regulation does not in any manner conflict with the enactment.*
>
> *5. We find absolutely no reason to interfere with the regulations, in which context, the learned counsel sought for a one-time exemption as applicable to the petitioners. Obviously, with open eyes, after the amended regulations came into effect if any candidate chose to obtain admission in a foreign institution for pursuing a course leading to a primary medical qualification, they cannot seek for an exemption from the regulations; which lays down essential eligibility criteria for practicing medicine within the Country. This does not restrict their right to practice anywhere outside India. The*

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> *regulations, especially the additional mandate to satisfy the eligibility criteria, is not ultra vires the Constitution and neither is it in conflict with any provisions of the Act nor on any count arbitrary or unreasonable. Hence, all the petitions are dismissed."*

24. Pertinently, in that regard, Clause 4.6.2 of the Information of the Bulletin for FMGE October 2026 stipulated the following:

> *"In terms of notification published on 01.03.2018 in the Gazette of India, "Indian Citizens / Overseas Citizen of India intending to obtain primary medical qualification from any medical institution outside India, on or after May 2018, shall have to mandatorily qualify the 'National-Eligibility-cum- Entrance Test for Admission to MBBS course'. The result of the 'National- Eligibility-cum Entrance Test for Admission to MBBS course' shall deem to be treated as the Eligibility Certificate for such persons, provided that such persons fulfils the Eligibility Criteria for admission to the MBBS course prescribed in the Regulations on Graduate Medical Education, 1997."*

25. In view of Clause 4.6.2 of the Information Bulletin for FMGE October, 2026 and the applicable regulations thus, any candidate intending to appear in the Screening Test *on or after May 2018* was required to submit his result for NEET UG evidencing that the said candidate had qualified the said examination, and such result was to be treated as *Eligibility Certificate* for such candidate for the purpose of appearing in the screening test.

26. Consequently, the petitioners in the present case were required to submit their NEET Score Cards as Eligibility Certificates for the FMGE October 2026 Session. As noted above, the said deficiency was not cured by the petitioners within the stipulated period. Crestfallen, the petitioners have now approached this Court seeking a direction to Respondent Nos. 1 and 2 to accept their NEET (UG) 2020 Score Card contending that the petitioners had duly qualified the examination

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under the OBC Category. The limited question for the consideration of this Court, thus as noted above, is whether the petitioners who consciously submitted their NEET application under the 'unreserved category', failed to secure the qualifying marks prescribed for the said category, did not avail any opportunity to seek correction of category, can, at this juncture, seek recognition of their candidature under the OBC *merely* on the basis of the community certificate.

27. After much deliberation, this Court finds itself unpersuaded by the stance taken on behalf of the petitioners.

28. The NEET (UG) 2020 Information Bulletin provides for 27% reservation for the Category of Other Backward Classes belonging to Non Creamy Layer. The benefit of reservation under the OBC NCL category was thus only available to candidates belonging to communities recognised under the Central List of the OBCs. Further, the NEET UG Bulletin further prescribed that in order to claim the benefit of the OBC NCL category, the candidate was required to furnish certificate in the prescribed performa certifying recognition under the relevant resolutions of the Government of India as well as the candidate's non creamy layer status. As is apparent from a bare perusal of the certificates appended to the respective writ petitions, the petitioners have failed to record any certificate evidencing their status as OBC NCL. The petitioners have merely attached a community certificate issued by the Government of Tamil Nadu, and the same neither demonstrates whether the petitioners were recognised in the Central List nor certifies whether the petitioners belonged to the non creamy layer in the prescribed performa provided in the NEET (UG)

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2020 Bulletin, Appendix XI.

29. Notwithstanding the aforesaid observation, even if this Court were to consider the case of the petitioners in the best light, yet the stand taken by the petitioners, at this belated juncture, cannot and ought not to be countenanced.

30. It is pertinent to note that NEET UG 2020 Information Bulletin expressly provided that the category furnished by the candidate in the online application form would be final. Infact, paragraph 3 of the Disclaimer specifically provides:

> *"Online information provided by candidates like name of candidate, contact/ address details, category, PwD status, educational qualification details, date of birth, etc will be treated as correct/final.* ***Any request for changes in information after the closure of correction period will not be considered by NTA under any circumstances****…"*

31. Furthermore, Clause 5.2 of the NEET UG 2020 Information Bulletin provides the following:

> *"Important note:* ***No change*** ***in the category will be entertained after the last date specified by NTA for NEET (UG) 2020 Registration and no subsequent changes will be effective after declaration of NTA NEET (UG) Score 2020."***

32. Clause 14.2 of the NEET UG 2020 Information Bulletin further stipulates the following:

> *"****In no case, the change of data submitted by candidate in the online Application Form shall be made by NTA, after the declaration of result****."*

33. In the present case, the Score Cards of the petitioners reveal that they had appeared for the NEET (UG) 2020 examinations under the '*unreserved*' category for which the minimum qualifying score was 147 marks. Petitioner/Metha A M secured 114/720 whereas

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Petitioner/Deric Christopher secured 146/720 marks. As is apparent, the petitioners failed to secure the minimum qualifying marks in the category in which they had appeared. The result was declared way back on 16.10.2020. No material has been brought forth to establish that the petitioners requested any correction within the stipulated period prescribed by the NEET (UG) 2020 Bulletin or till the time of declaration of result.

34. In such circumstances, the petitioners subsequent claim for change in category, that too six years after the declaration of result is unsustainable. Merit positions and cut-off are determined on the basis of category. The relief sought by the petitioners, at this juncture, is neither legally sustainable nor equitable as it would confer an individual advantage at the cost of fairness and uniformity in the examination process.

35. A Coordinate Bench of this Court in the case of ***Hanan Shajahan Chittothayil V. Union Of India & Ors.* : W.P. (C) 12752/2025**, where the candidate therein had prayed for rectification of category from General to OBC-NCL after the declaration of NEET result upon realisation that she belonged to the Central List and that she had mistakenly selected the category as '*General*', had disallowed the petition and observed as follows:

> *"21. This Court cannot rewrite the application submitted by petitioner and modify the particulars entered in the application, in case the petitioner had failed to select OBC-NCL category at the time of filling of application form and subsequently, failed to correct the same during the window period granted for the said purpose.*
> *22. No provision in the information bulletin has been pointed out which provides for change in category after the window period provided for correction of particulars from 09.03.2025 to*

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> *11.03.2025. This Court in exercise of its jurisdiction under Article 226 of the Constitution cannot tweak the procedure provided in the information bulletin to correct the mistake committed by an individual candidate nor any mandamus can be issued contrary to the provisions of information bulletin.*
> *23. Even otherwise, granting succour to one candidate would tantamount to making an inequitable exception, thereby denying equal opportunity to other similarly situated candidates who did not opt of OBC-NCL category either mistakenly or for want of possessing valid certificate at the relevant time. Therefore, no benefit can be granted to the petitioner solely on the grounds of compassion and sympathy."*

36. It bears relevance to note that the sanctity of any competitive examination lies not merely in the fairness of the examination itself but also in the finality of declarations made by the candidates who participate. Any candidate who aspires to avail a category-based relaxation is expected to exercise due diligence and make the said declaration at the time of submitting the application, or in the very latest, in the correction window provided thereafter. The obligation to adhere to the prescribed procedure therefore cannot be made contingent upon whether the omission of the candidate was *deliberate* or *inadvertent*. This is because even an erroneous declaration, if not rectified within the stipulated opportunity, ought to ordinarily attain finality. To hold otherwise, any and every candidate who fails to secure the desired result under the category originally opted for would find an occasion to revisit his choice and seek the benefit of a more favourable qualifying threshold with the advantage of hindsight.

37. Consequently, in the present case as well, the claim sought by the petitioners, cannot be countenanced. At the cost of repetition, as noted above, the petitioners opted for 'unreserved' category and failed to secure the minimum qualifying marks in the NEET (UG) 2020 in

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the unreserved category. At this belated juncture, and with the benefit of hindsight, this Court unfortunately cannot affix its judicial seal of approval to the claim sought by the petitioners.

38. On such a conspectus of facts, the petitioners having failed to qualify NEET (UG) 2020 examinations in the opted category, no direction can be issued to the respondent authorities to consider the score card of the petitioners as *Eligibility Certificate* and the petitioners therefore are not eligible to appear in the FMGE October 2026 examinations.

39. In the light of the aforesaid, no ground to exercise writ jurisdiction is made out.

40. The present petitions along with pending applications are accordingly dismissed.

41. A copy of the order be placed in the connected matter.

AMIT MAHAJAN, J

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