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

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

\# **CNR No. DLHC010524172026**

\+ **W.P.(C) 16119/2026, CM APPL. 75431/2026 & CM APPL. 75432/2026**

NATASHA VIPUL MISHRA .....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

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

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. By the present petition, the petitioner essentially seeks issuance of a direction to Respondent No. 1 to issue the '*Eligibility Certificate*' to the petitioner so as to enable the petitioner to appear in the Foreign Medical Graduate Examination ('FMGE') October 2026 Session.

2. Briefly, the petitioner passed her senior secondary examination from CBSE Board on 02.05.2019. Thereafter, as claimed in the

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petition, at some time in the year 2019, the petitioner applied for "*Physician M.D. General Medicine"* Course in Rosotov State Medical University, Ministry of Health of the Russian Federation. The petitioner was conferred with *Physician M.D. Degree* in General Medicine on 30.06.2026.

3. The petitioner thereafter applied for *Eligibility Certificate* on the portal of Respondent No. 1 on 23.09.2026.

4. Subsequently, the petitioner filled the application for the FMGE October 2026 examination whereafter the petitioner, by communication dated 17.10.2026, was informed that her application was deficient as the petitioner had failed to furnish the *Eligibility Certificate*.

5. The petitioner consequently seeks a direction to Respondent No. 1 to issue an '*Eligibility Certificate*' to the petitioner so as to enable her to participate in the FMGE October 2026 Session.

6. The learned counsel for Respondent No. 1 submits that the petitioner cannot claim an automatic or vested right to issuance of Eligibility Certificate merely upon submission of the application. He submits that the Eligibility Certificate can be issued only if the candidate fulfils all the eligibility criterion.

7. On the other hand, the learned counsel for Respondent No.2 submits that in terms of Section 13(4B) of the *erstwhile* Indian Medical Council Act, 1956 as well as the applicable regulations, the petitioner was required to obtain an *Eligibility Certificate* prior to joining an undergraduate medical course in any foreign institution. He relies upon the judgment of a Coordinate Bench of this Court in the

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case of ***Hemica Rani Singh v. National Medical Commission* : 2024:DHC:4699** and submits that obtaining *Eligibility Certificate* before joining the medical course abroad is a prerequisite for the candidate to be eligible to appear in the FMGE for practicing in India as a medical professional. He submits that since the petitioner failed to apply for the *Eligibility Certificate* prior to joining the medical course in the foreign institution, the petitioner is ineligible to appear in the FMGE October 2026 Session.

8. He submits that even otherwise, in terms of Regulation 4(2A) of the Screening Test Regulations, 2002 and Regulation 8(iv) of the Foreign Medical Institution Regulations, 2002 and clause 4.6.2 of the Information Bulletin, the petitioner ought to have qualified the NEET UG examinations, the result of which would have then been deemed to be treated as *Eligibility Certificate*. He submits that the petitioner neither submitted the requisite Eligibility Certificate nor her NEET UG Score card within the stipulated time period. He consequently submits that the petitioner is ineligible to appear in the FMGE October 2026 Session Examination.

9. Having taken note of the rival contentions of the parties and careful sifted the record, this Court is of the opinion that no relief can be granted to the petitioner in the facts of the present case.

10. The genesis of FMGE as a screening test for candidates who obtained their medical qualification in any country outside India and were desirous of enrolment as a practitioner in India stems from Section 13 (4A) and (4B) of the *erstwhile* Indian Medical Council Act, 1956 which prescribes as follows:

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> *"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 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."*

11. Section 13(4B) makes it abundantly clear that a citizen of India shall not be eligible to get admission to obtain a primary medical qualification granted by any medical institution in a foreign country *without* obtaining an Eligibility Certificate. It further stipulates that in the event that such candidate obtains the qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test. The said criterion was examined by a Coordinate Bench of this Court in the case of ***Hemica Rani Singh v. National Medical Commission*** *(supra)* where it was categorically observed that

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the eligibility regulations envisaged obtaining of Eligibility Certificate only *prior to taking admission in the medical course,* and it was observed as follows:

> *"50. In fact, there is no provision in any Statute, Rule or Regulation which permits application for an Eligibility Certificate* ***after the candidate has already obtained a PMQ from a Foreign Medical Institution. The Eligibility Certificate has to be obtained prior to joining the medical course abroad. If it is not obtained at that stage, it cannot be obtained later. Regulation 4(2) of the Screening Test Regulations do not permit a candidate to apply for an Eligibility Certificate after having obtained the PMQ from the foreign medical institution****."*

12. The said position of obtaining Eligibility Certificate from the Council 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."*

13. 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.

14. Similar insertion was also made under Regulation 8(iv) of the

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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 '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."*

15. 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.

16. 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.*

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> *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 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."*

17. 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."*

18. As is discernible from the facts laid down in the pleadings, the petitioner claims to have joined the foreign medical course in the year 2019. The petitioner was consequently required to have qualified in the NEET UG examinations in terms of Regulation 4(2A) of the Screening Test Regulations, 2002 as well as Regulation 8(iv) of the Foreign Medical Institution Regulations, 2002 as further provided in Clause 4.6.2 of the Information of the Bulletin for FMGE October 2026. Further, the result of the said examination shall be deemed to be treated as the Eligibility Certificate.

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19. It is borne out from the record that the petitioner has failed to produce a qualifying NEET Score card or any requisite Eligibility Certificate.

20. In the light of the aforesaid, in the absence of requisite Eligibility Certificate/NEET UG Score Card, the petitioner herein is ineligible to appear in the FMGE October 2026 Session.

21. Consequently, no ground to exercise jurisdiction under Article 226 of the Constitution of India is made out.

22. The present petition is accordingly dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

OCTOBER 30, 2026
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