Share

Tweet

G• Plus One

Pin It

Email

Print

MCI Regulations Barring Candidates With Biology As Additional Subject From Taking NEET Arbitrary: Delhi HC [Read Judgment]

BY: APOORVA MANDHANI | AUGUST 22, 2018 11:03 AM



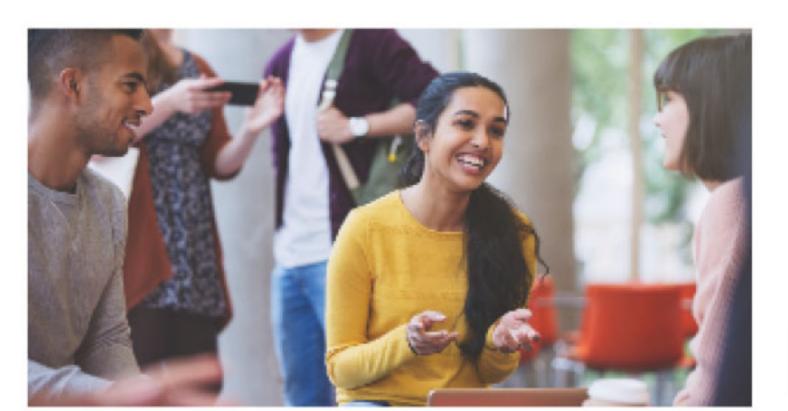
Change Font Size 🚹 🚍

In a big relief to several MBBS aspirants, the Delhi High Court has directed grant of admission to candidates who had passed Class XII with biology/biotechnology as an additional subject and had qualified in the NEET exams.

The direction was issued by a Bench comprising Justice S. Ravindra Bhat and Justice AK

Chawla while ruling that the regulations barring candidates with

biology/biotechnology as an additional subject from appearing for NEET are arbitrary.



Why Study in the U.S.?

Ad The U.S. has some of the highestranking universities in the world. See five ...

The TOEFL Test

See More

It ruled, "Lack of any empirical study, supporting the MCI's conclusion that those who qualify from regular scholastic study in the 10+2 exams with additional subjects of biology/biotechnology either at one go, or after a year, do so without laboratory experience, render Regulation 4 (2) (a) to that extent arbitrary. Juxtaposed with clauses (b) (of Regulation 4 (2) which talks of Intermediate state boards) which does not bespeak of any such disqualification, the irrational and arbitrary nature of the regulation stands out in sharp relief...

...the MCI's regulations are based on its conclusions rather on any data or objective





LATEST

Not Liberal Or Conservative View; The Only View Which Has To Be Taken Is The Legal View, SC Tells Kerala HC [Read Judgment]

Justice Dilip Gupta Appointed As CESTAT President

Controversies On Reliability Of News Are Matters Of Public Debate: Delhi HC Sets Aside Ex-Parte Injunction Against Cobrapost Expose [Read Order]

Understanding The Unlawful Activities (Prevention) Act, 1967

Medicos Wishing To Study Abroad Must Take NEET: Delhi HC Upholds MCI's Regulation [Read Judgment]

Bhima Koregaon : Blind Spots Of Majority Judgment material. For these reasons, it is held that the category covered in Sl. No. (7) of the clarification issued by MCI and the regulation (Regulation 4 (2) (a)) to the extent it sets out the impugned disqualification "Furthermore, study of Biology/Biotechnology as an Additional Subject at 10+2 level also shall not permissible..." are hereby set aside as discriminatory and arbitrary."



Why Study in the U.S.?

Ad The U.S. has some of the highestranking universities in the world. See five ...

The TOEFL Test

See More

The Court was hearing petitions challenging the constitutional validity of the Regulations on Graduate Medical Education (Amendment), 2018 issued in January this year by the Medical Council of India (MCI), debarring from appearing in NEET candidates who had biology as an additional subject, who had taken more than two years to complete their Class XI and XII, and who had studied privately.

Several candidates, who had studied biology/biotechnology as additional subjects, had now approached the High Court, contending that before imposing a sweeping prohibition, the MCI had not carried out any groundwork to examine the rules and procedures of different State Boards on the study of biology/biotechnology as an additional subject.

Looking to Study Abroad

Ad Learn how the TOEFL® test advantage can get you to the school of your dreams.

The TOEFL Test

See More

They had further asserted that their exclusion from taking the exam has no nexus with maintaining minimum standards of medical education, which is the object sought to be achieved by the impugned Regulations. They had, therefore, alleged violation of not only Article 14 of the Constitution but also their rights under Article19(l)(g) to opt for a profession of their choice, and Article 21, insofar as it curtails their choice of livelihood.

The MCI had, on the other hand, demanded that it should be allowed the discretion and autonomy to frame appropriate regulations to test proficiency, having regard to a uniform standard of essential qualification. It argued that the court should not delve too deep, given that these standards depended on expert evaluation of the various syllabi and content in schools across the country.

Why Study in the U.S.?

Ad The U.S. has some of the highestranking universities in the world. See five ...

The TOEFL Test

See More

The Court, however, agreed with the petitioners, relying on its judgment in the case of *Anshul Aggarwal v. Union of India & Ors.*, wherein the Court had held the regulations to be arbitrary, to the extent that they excluded from participation those finishing from open school.

It opined that the reasons accorded by it in *Anshul Aggarwal's* case squarely apply to the case at hand. It further noted that the MCI's reasoning for excluding such candidates is that such students do not undergo classroom learning. It, however, asserted that there exists no underlying basis in the form of empirical material, or in the form of analysis of various state boards curricula, or syllabi, or even the examination regulations, to support this assumption.

Uttarakhand HC Directs Ban On Porn Websites, Suspension Of Internet Service Licence On Non-Compliance [Read Order]

Call For Papers: UPES School Of Law, Dehradun – International Seminar On "Latest Developments in Corporate Legal Affairs"

SC Restrains Lawyers In Odisha From Going On Strike [Read Order]

HNLU Students Protest Against VC's Reinstatement After SC Order; More Than 800 Students Sign Letter Of No Confidence [Read Order]



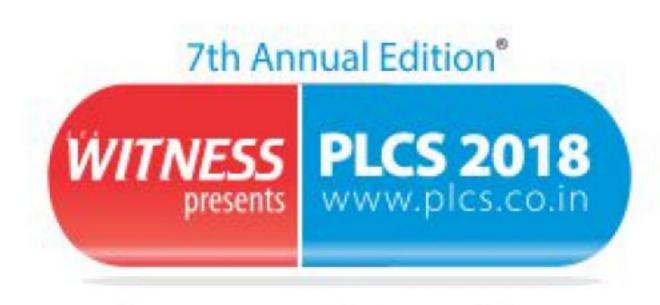


1

1



11th October 2018, Courtyard by Marriott, Mumbai

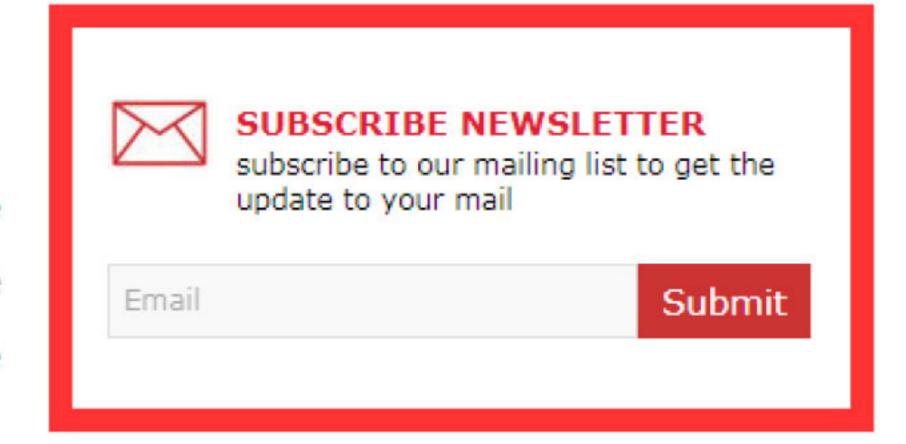


Pharma Legal & Compliance Summit 2018

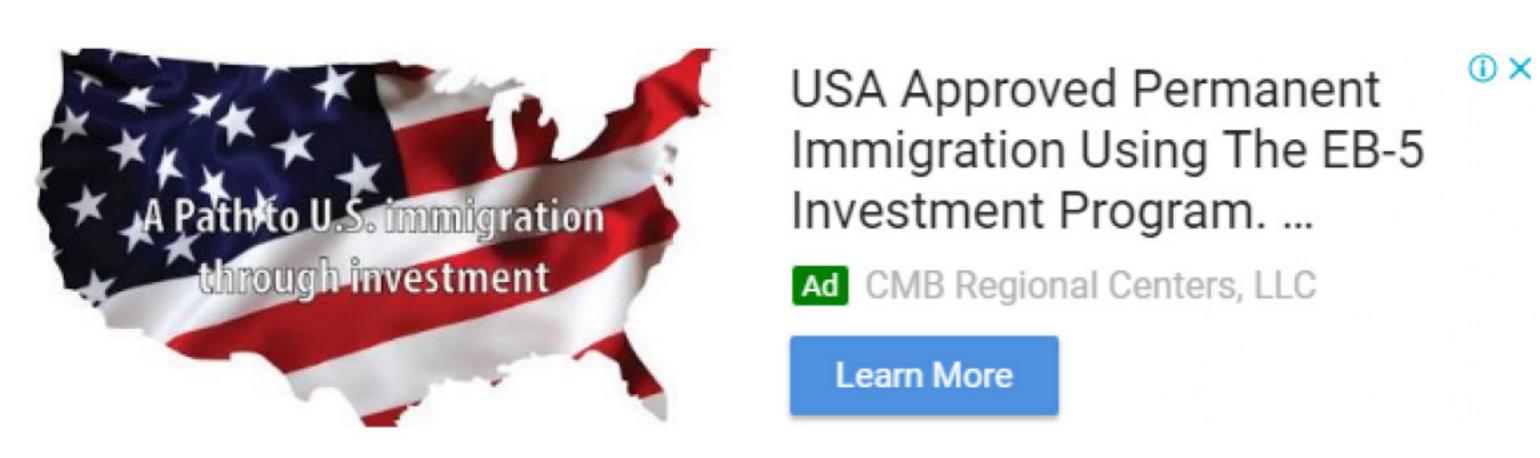
in association with



12th October 2018 | Courtyard by Marriott, Mumbai



With regard to the Court's powers to examine the validity of the regulations, the Court opined that the regulations had to stand the test of non-arbitrariness and reasonableness. It explained, "As a premiere standard evolving body, MCI's determinations are weighty; courts are expected to defer to its expert judgment particularly in regard to norms and standards of medical education, including norms for admission. Yet, those regulations are delegated legislation; they have to stand the test of non-arbitrariness and reasonableness. No doubt, courts would not interfere with them in a routine manner."



It, therefore, allowed the petitions. It further noted that during the pendency of the petition, several petitioners had cleared NEET and had been successful in the counselling as well. It now directed such students to be granted final admission.

The Court ordered, "...all of who had appeared in NEET and qualified in the entrance examination, and were also successful during counselling, but not granted final admission in the allotted seats, awaiting the decision in this proceeding, shall be granted final admission."

Read the Judgment Here

WWW.LIVELAW.IN **S**~ IN THE HIGH COURT OF DELHI AT NEW DELHI Reserved on: 30.07.2018 Pronounced on: 17.08.2018 W.P.(C) 6773/2018 & CM APPL. 25697-98/2018, 28282/2018, 28287-88/2018 & 29674-75/2018 TANISHQ GANGWAR & ORS Petitioners Through: Mr. Avijit Mani Tripathi, Advocate. UNION OF INDIA & ORS Respondents Through: Mr.Arun Bhardwaj, Ms. Gauraan and Mr. Nikhil Bhardwaj, Advocates for UOI.

For More Information login to: www.eklavyaoverseas.com