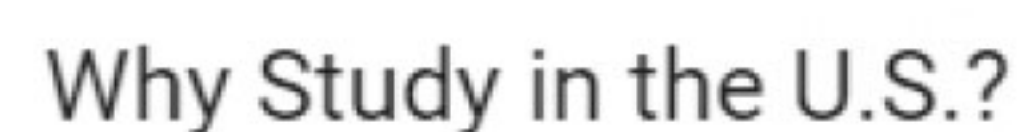
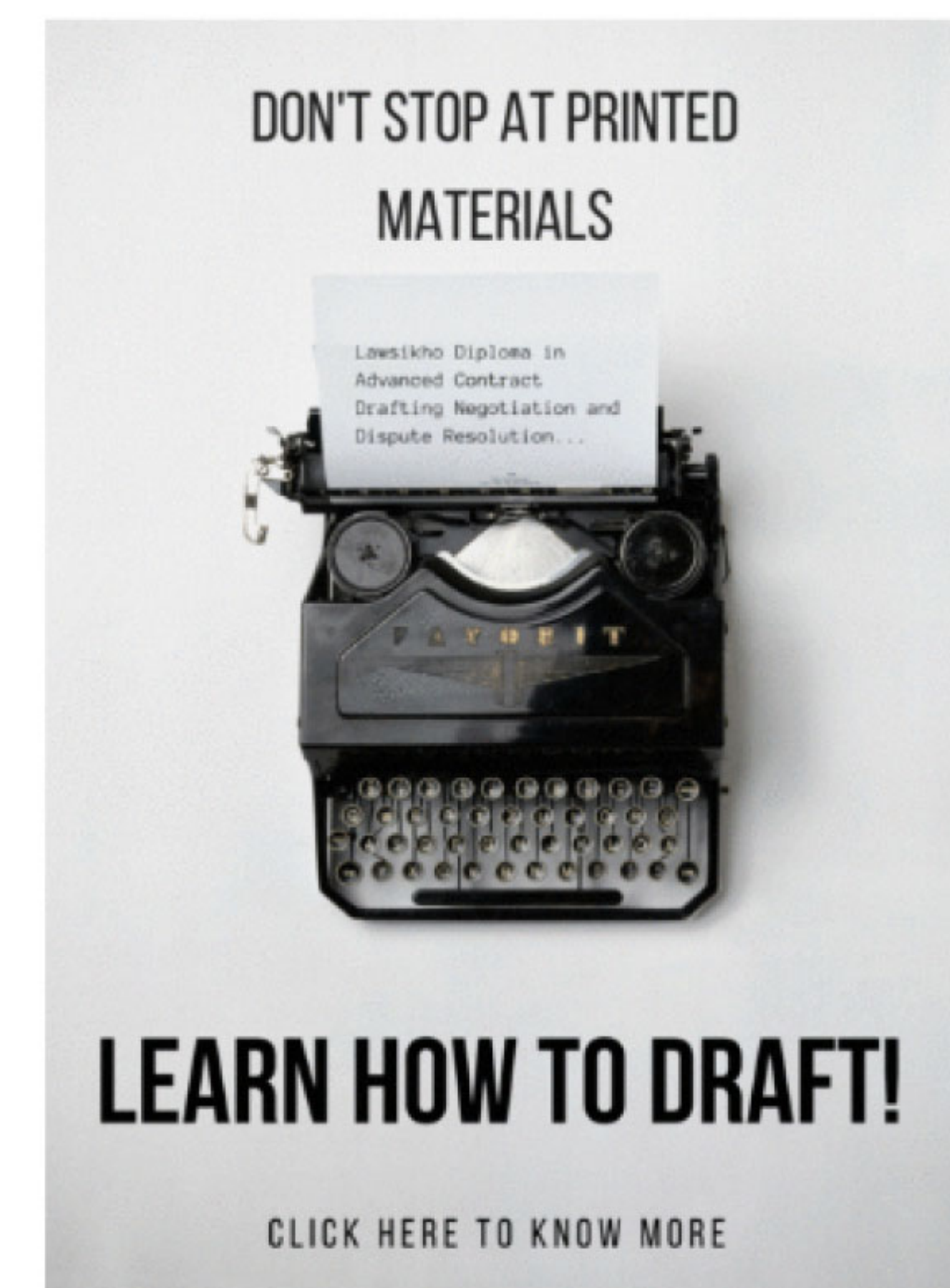


The direction was issued by a Bench comprising Justice S. Ravindra Bhat and Justice AK Chawla while ruling that the regulations barring candidates with biology/biotechnology as an additional subject from appearing for NEET are arbitrary.



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



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.”



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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.

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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 Article 19(1)(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.

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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.

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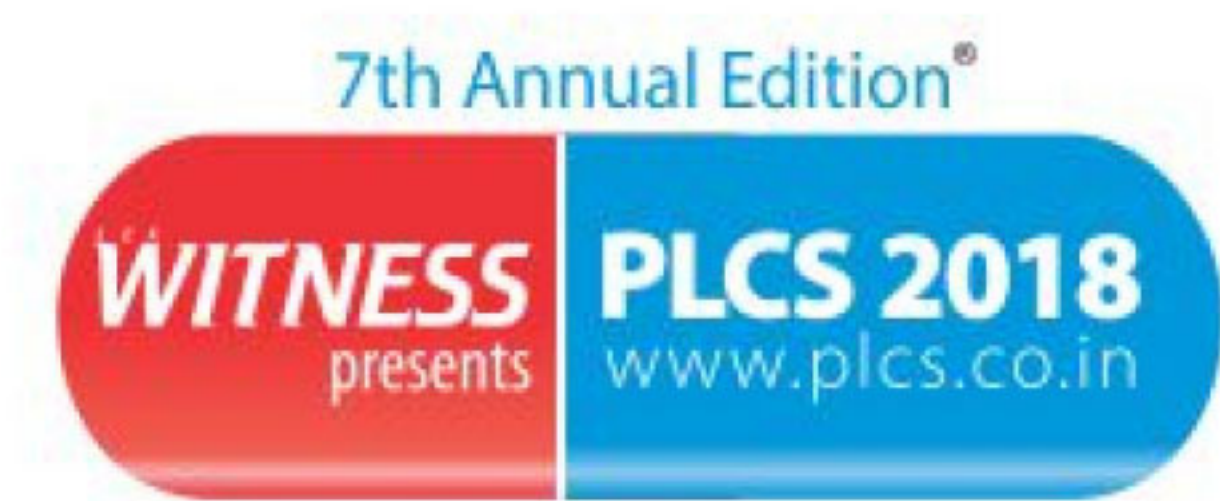


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With regard to the Court's powers to examine the validity of the regulations, the Court opined that the regulations had to stand the test of non-arbitrariness and reasonableness. It explained, *"As a premiere standard evolving body, MCI's determinations 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."*



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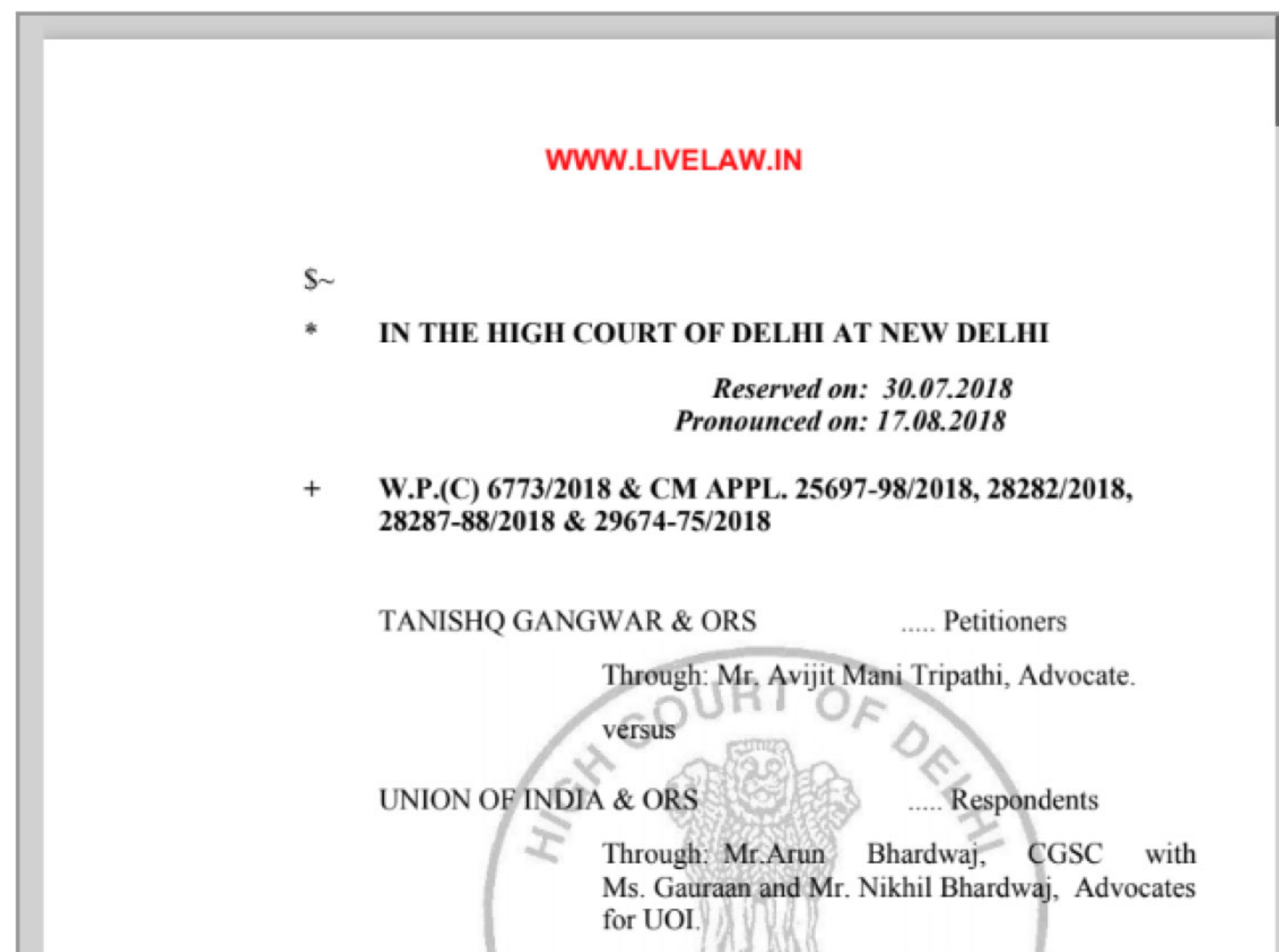
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It, therefore, allowed the petitions. It further noted that during the pendency of the petition, several petitioners had cleared NEET and had been successful in the counselling as well. It now directed such students to be granted final admission.

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



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