

\$~

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

Date of Decision : 04.05.2022

+ W.P.(C) 6834/2022 & CM APPL. 20791/2022 -Stay.
SALONI YADAV & ORS.

..... Petitioner

Through: Mr. Saurabh D. Karan Singh, Ms.
Kanika Jain and Mr. Ishan Sharma, Advs.

versus

UNION OF INDIA AND ORS

..... Respondent

Through: Mr. Alok Singh, Sr. Panel
Counsel, UOI with Ms. Seema Singh, G.P. and
Mr. Gaurav Bhardwaj, Adv. with Lt. Col.
Sandip Singh.

Major Partho Katyayan for respondent.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. The petitioners, who aspire to pursue B.Sc. (Nursing) in various colleges being run by the respondents, have approached this Court assailing the notification dated 22.04.2022 published by the respondents on its web-portal informing the prospective candidates that only candidates who clear the NEET UG-2022 exam will be eligible for admission to the B.Sc. (Nursing) course in MNS for the academic session 2022-23.

2. Learned counsel for the petitioners submits that for the last many years, admission to B.Sc (Nursing) in the institutes run by the respondents was based on a computer based entrance examination being conducted by the respondents. In the said examination, the candidates were tested in General English, General Intelligence and Science with 50 marks being allotted for each of these three subjects. However, at the fag end of the academic session, the respondents have suddenly issued a notification making the requirement of a candidate qualifying the NEET-UG exam as a pre-requisite for admission to B.Sc (Nursing) without appreciating the fact that the pattern of NEET-UG exam is entirely different from the computer based examination earlier held by the respondents. In the NEET-UG examination, the students are tested in detail, on different science subjects without any weightage being given to General English and General Intelligence. He, therefore, contends that this last-minute change in the exam pattern has caused grave prejudice to the candidates as a majority of candidates have been preparing for General English and General Intelligence subjects for the last few months in order to appear in the entrance examination as they were under a bonafide belief that the entrance examination for B.Sc (Nursing) would be conducted on the same pattern as was being followed for the last many years.
3. He further submits that even otherwise, the last date for applying for NEET-UG, 2022 is 06.05.2022 and therefore there is very little time for the candidates to apply and appear in the said exam. He,

therefore, prays that the impugned notification be quashed and the respondent be directed to conduct the exam on the pattern being followed by them for the last many years.

4. On the other hand, Mr. Alok Singh, learned counsel for the respondents, vehemently opposes the petition. He hands over a compilation of documents which is taken on record and submits that the petitioners' plea that they have been taken by surprise by this change in the exam pattern is wholly misplaced. He submits that for the last many years, the National Testing Agency (NTA) as well as the various state governments have been issuing guidelines making it clear that the future admissions to B.Sc. (Nursing) course would be based on the marks obtained by a candidate in the NEET-UG examination. This change in the exam pattern was necessitated in order to improve the standards of nursing education in the country and to ensure that students who join the B.Sc. (Nursing) course in premier institutions like those being run by the respondents are well qualified.
5. He further submits that the petitioners' grievance that they have now been caught unaware and therefore cannot apply for the NEET-UG exam has been already taken care of by the respondents as a further notification dated 01.05.2022 has been issued by the NTA, extending the last date for submitting applications to appear in the NEET-UG exam, 2022 till 15.05.2022. He therefore contends that in the light of this revised notification issued on 01.05.2022, the petitioners now have sufficient time to apply for and appear in the NEET-UG exam

which is scheduled to be held on 17.07.2022.

6. Mr. Singh further submits that even otherwise, once the degree in B.Sc (Nursing) is to be awarded by the affiliating universities who have already adopted the system of granting admission to B.Sc. (Nursing) course on the basis of the NEET-UG exam, the respondents have no other option but to adopt the said criteria. Mr. Singh finally submits that even the petitioners' apprehension that their preparation in General English and General Intelligence, for the last many months will go waste, is wholly misplaced as the respondents are in the process of issuing a detailed circular which will be published not only in leading newspapers but also on its web portal informing the candidates that the selection for admission to B.Sc (Nursing) will not be based solely on the basis of the NEET-UG score but will also be based on their performance in the Computer Based Tests (CBT) in General English and General Intelligence as also a Psychological Assessment Test (PAT) followed by an interview and medical examination. Thus, the final selection will be based on the combined merit of the performance of a candidate in NEET-UG, the CBT and interview, subject to the medical fitness. He, therefore, prays that the writ petition be dismissed.
7. Having considered the submissions of learned counsel for the parties and perused the record, I am of the view that at the first blush, the grievance of the petitioners appears to be merited as the respondents have admittedly changed the pattern for selection of candidates for admission to B.Sc. (Nursing) only on 22.04.2022.

However, what emerges is that on account of the extension granted by the NTA to apply for the NEET-UG exam and taking into account the fact that the NEET-UG exam is scheduled to be held on 17.07.2022, the petitioners and all other candidates will still get more than two months' time to prepare and appear in the NEET-UG, 2022. In these circumstances, the petitioners' plea that they will not have sufficient time to apply and prepare for NEET-UG is without any merit and therefore no prejudice will be caused to the interested students to prepare for the NEET-UG exam, which is now a mandatory condition for seeking admission to B.Sc (Nursing) course.

8. In so far as the petitioners' grievance that the syllabus for the entrance test has been radically changed, I am of the considered view that once the experts in the field have taken a considered decision regarding the eligibility conditions and the subjects on which the prospective candidates for admission to the B. Sc (Nursing) course should be tested, this Court ought not to interfere with the same unless it is found to be totally perverse or arbitrary. Moreover, since it is an admitted position that most of the universities including the Delhi University and those in the state of Maharashtra, with which the nursing institutes run by the respondents are affiliated, have already issued guidelines directing that the admissions to B.Sc (Nursing) should be based only on NEET-UG examination, the respondents were fully justified in prescribing the same eligibility criteria as prescribed for the NEET-UG, for admission to the B.Sc (Nursing) in their institutes

as well. It is not the petitioners' case that the syllabus for NEET-UG exam, 2022 is different from syllabus of Class XII and therefore, merely because the students will now be tested in more detail in the science subjects cannot be a reason to interfere with the well-considered decision of the experts.

9. The petitioners' plea that since they have been preparing General English and General Intelligence for the last many months as per the earlier syllabus for the entrance examination, the respondents ought to follow the earlier pattern for this year as well, is also without any merit. It has been categorically stated by the respondents that the final selection for admission to B.Sc (Nursing) will be based not only on the results of the NEET-UG 2022 but on the combined merit of performance of a candidate in NEET UG, the CBT and interview subject to the medical fitness and therefore, it is not as if the preparation in General English and General Intelligence, which the petitioners claim to have been made for the entrance exam will go waste.

10. I therefore find no infirmity in the decision of the respondents to include a mandatory eligibility condition of qualifying the NEET-UG as per the criteria fixed by the NTA, as a pre-condition for admission to the B.Sc (nursing) in their institutes. The writ petition is accordingly dismissed without no orders as to costs.

(REKHA PALLI)
JUDGE

MAY 4, 2022

acm