

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.20077 of 2021, 20386 of 2021 and 20485 of 2021

COMMON ORDER:

Since the issue raised in these writ petitions is one and the same, these writ petitions are being disposed of at the admission stage with the consent of all the parties.

2. Heard learned counsel appearing for the petitioners, learned Assistant Solicitor General appearing for respondents 1 and 3 and Ms.Poojitha, learned Standing Counsel for the 2nd respondent.

3. For the sake of convenience, the facts in W.P.No.20077 of 2021 are discussed hereunder :-

4. W.P.No.20077 of 2021 is filed seeking the following relief:

"..... to issue a writ, order or direction more particularly one in the nature of writ of mandamus directing the Respondents to grant one time exemption to the petitioner namely Mr.Mohammed Sulaiman Javed, S/o.Mohammed Idris Javeed as an exception from the requirement of having to clear NEET for admission to Alfaisal University, Riyadh, S for the Current Academic Session i.e., 2021-2022"

5. It has been contended by the petitioner in W.P.No.20077 of 2021 that he was admitted into Alfaisal University, Riyadh for a medical seat for the academic year 2020-21. As per the Regulations of the 2nd respondent, one has to qualify in the NEET examination for taking admission in Foreign University/Institute for pursuing foreign medical qualification. Owing to pandemic situation, the 2nd respondent vide public notice dated 04.09.2020 clarified that any Indian Citizen/Overseas Citizen of India intending

to pursue Primary Medical Qualification (MBBS or its equivalent) from academic session commencing from August 2020 onwards is required to qualify NEET either in 2020 or 2021. However, the 2nd respondent has granted the above exemption as one time measure for the academic year 2020-21.

6. Learned counsel appearing for the petitioner in W.P.No.20077 of 2021 had contended that the Kingdom of Saudi Arabia has imposed travel restrictions and because of travel restrictions, the petitioner is not in a position to travel to Dubai to take up NEET examination, which is scheduled to be held on 12.09.2021.

7. Learned counsel appearing for the petitioner had further contended that as there is a travel ban, the petitioner is not in a position to travel to Dubai, therefore, the exemption benefit which was given in 2020-21 may be extended to the petitioner for the present academic year and the petitioner will appear for NEET 2022. Therefore, appropriate orders be passed in the writ petition directing the 2nd respondent to consider the case of the petitioner for granting exemption for one more year and the petitioner gives an undertaking that he would appear for the NEET 2022.

8. Learned Standing Counsel appearing for the 2nd respondent had contended that similar issue fell for consideration before the Hon'ble Supreme Court reported in Civil Appeal No.2986 of 2020 and the Hon'ble Supreme Court had declined to interfere in the said case and the same was disposed of vide order dated 24.08.2020. Learned Standing Counsel further contended that the

Regulations made by the 2nd respondent are mandatory and as the one time measure, the 2nd respondent has exempted the candidates from taking up NEET for the academic year 2020-21 vide public notice dated 04.09.2020. Learned Standing Counsel further contended that the Kingdom of Saudi Arabia has imposed travel quarantine restrictions and at present there is no travel ban and the petitioner can always travel to Dubai for taking up examination for the present academic year. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

9. This Court, having considered the rival submissions of learned counsel for the parties, is of the considered view that when once the 2nd respondent has exempted from taking NEET for the academic year 2020-2021 vide public notice dated 04.09.2020, the 2nd respondent can consider the case of the petitioners and pass appropriate orders in accordance with law. Further, the contention of the 2nd respondent that the Supreme Court has declined to interfere in Civil Appeal No.2986 of 29020 dated 24.08.2020, has no application in the present case as in the said case, the petitioner therein was seeking cancellation of NEET because of pandemic situation. In the present case, the petitioners are not seeking cancellation of NEET and the petitioners are only seeking exemption from appearing NEET 2021 with a condition that they would appear for the next academic year.

10. Therefore, the 2nd respondent is directed to treat the writ petitions itself as representations and consider the case of the petitioners and pass appropriate orders in accordance with law,

within a period of three days from today, if necessary, by granting exemption, as it was done for the last academic year, since the NEET examination is scheduled to be held on 12.09.2021.

11. With the above observations, the writ petitions are disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

06.09.2021

Note:

Issue C.C. tomorrow

(B/o)

Prv