

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1218-1219 OF 2022
(Arising out of SLP(C) No(s).20486-20487/2021)

NATIONAL MEDICAL COMMISSION ... APPELLANT(S)

VERSUS

LOITONGBAM BIMOLCHANDRA SINGH & ANR. ... RESPONDENT(S)

O R D E R

Leave granted.

These appeals have been filed by the National Medical Commission against the judgment of the High Court of Manipur by which MCI/Board of Governors were directed to grant eligibility certificate to the respondent's son.

L.Binin Singh, son of respondent No.1, had passed his matriculation exam in the year 2012 and thereafter passed his Higher Secondary examination in 2014. L.Binin Singh had applied for an undergraduate medical course in Ukraine. After getting admission and joining the course, he filed an application on 24.09.2019 for issuance of eligibility certificate in which it was stated that he was "17 years, 3 months and 30 days" on 31st December of the admission year. The date of birth given in the application form filed for issuance of eligibility certificate was 01.11.1998. A show cause notice was issued by the Medical Council of India on 11.10.2019 directing the respondent's son to explain as to why his application

should not be rejected on the ground that he had pursued admission to MBBS course before he attained the age of 17. An explanation was submitted by the respondent to the said show cause notice.

The respondent filed a writ petition before the High Court seeking a direction to the appellants to issue the eligibility certificate as the Medical Council of India did not pass any order pursuant to the explanation submitted by the respondent. The said petition was disposed of with a direction to dispose of the representation made by the respondent within a period of one month from the date of receipt of the order.

By a letter dated 30.01.2020, the respondent's request for grant of eligibility certificate was rejected on the ground that he didn't attain the age of 17 years at the time of admission in 2014. As per clause 4 (1) of Graduate Medical Education Regulations, 1997 a candidate seeking admission in MBBS or equivalent medical course shall complete the age of 17 years on or before 31st December of the year of admission.

The respondent filed a writ petition challenging the validity of the letter dated 30.01.2020 and for a direction to the appellant to issue the eligibility certificate. The main issue that arose for consideration before the High Court was whether the admission of the respondent's son to the medical course was in accordance with the regulations. The High Court allowed the writ

petition on the ground that the respondent's son would face hardship if the eligibility certificate was not issued.

Mr. Gaurav Sharma, learned counsel appearing for the appellant, submitted that the respondent's son was admitted in the medical course in a foreign country without getting an eligibility certificate. After being admitted in the medical course, he applied for the eligibility certificate in which a misrepresentation was made regarding his age. Later, on enquiry, it was found that respondent's son was below 17 years and therefore, the application for grant of eligibility certificate was rightly rejected.

Mr. Sharma submitted that admission of the respondent's son in foreign university without grant of eligibility certificate is contrary to the regulations. Moreover, the respondent's son is also guilty of misrepresentation for the purpose of getting an eligibility certificate. He urged that the High Court granted relief to the respondent's son only on the ground that his future prospects would be affected unless relief was granted to him.

Mr. N. Jotendro Singh, learned senior counsel appearing for the respondent, stated that the error committed by the respondent while filing the application was not intentional. He submitted that the High Court granted relief to the respondent's son on the ground of equity taking into account the fact that he had already completed the course.

The practice adopted by the respondent in getting his son admitted in the medical course in a foreign University without an eligibility certificate is deprecated. Further, furnishing false information to the authorities for the purpose of issuance of eligibility certificate is an attempt to hoodwink the authorities. In view of the admission of the respondent's son being contrary to the regulations and in view of the false information given by the respondent in the application filed for eligibility certificate, in the normal course, we would have set aside the judgment of the High Court and allowed the appeal filed by the National Medical Commission. However, in the peculiar facts and circumstances of this case, taking into account the future of respondent's son who has completed his medical course in June 2020 and that he was not responsible for whatever was done by the respondent, we are not inclined to interfere with the order passed by the High Court.

The appeals are, accordingly, disposed of. Pending application(s), if any, shall stand disposed of.

The respondent No.1 is directed to pay Rs.10,00,000/-as costs to the Manipur Legal Services Authority within a period of 8 weeks for filing a false declaration in the application form that was submitted for issuance of eligibility certificate. Subject to the above, the appellant is directed to issue the eligibility certificate within a period of 8 weeks from today.

In addition to the payment of costs, the respondent's son shall perform charitable service by working with the government for a period of two years after his successful completion of FMG screening Test.

The contempt petition filed by the respondent stands closed.

This order shall not be treated as a precedent as it is passed in the peculiar facts and circumstances of this case.

.....J.
[L. NAGESWARA RAO]

.....J.
[B.R. GAVAI]

New Delhi;
08th February, 2022.

ITEM NO.13 Court 5 (Video Conferencing) SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).20486-20487/2021

(Arising out of impugned final judgment and order dated 10-09-2021 in WP(C) No. 210/2020 17-09-2021 in MC (WP(C)) No. 181/2021 passed by the High Court Of Manipur At Imphal)

NATIONAL MEDICAL COMMISSION

Petitioner(s)

VERSUS

LOITONGBAM BIMOLCHANDRA SINGH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.162988/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-02-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Gaurav Sharma, AOR
 Mr. Dhawal Mohan, Adv.
 Mr. Prateek Bhatia, Adv.

For Respondent(s) Mr. N. Jotendro Singh, Sr. Adv.
 Mr. David Ahongsangbam, Adv.
 Mr. Syed Murtaza, Adv.
 Mr. Rajkumari Banju, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)