

ITEM NO.3 Court 4 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).68/2022

SHIVAM SATYARTHEE & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.15051/2022-EX-PARTE AD-INTERIM RELIEF and IA No.15053/2022-EXEMPTION FROM FILING O.T. and IA No.15049/2022-EXEMPTION FROM FILING AFFIDAVIT, APPLN.(S) FOR INTERVENTION)

Date : 08-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Gopal Sankaranarayanan, Sr. Adv.  
Dr. Charu Mathur, AOR  
Ms. Tanvi, Adv.  
Ms. Aditi Gupta, Adv.  
Mr. Vikramadita, Adv.

For Respondent(s)  
Intervenor Mr. Sumanth Nookala, AOR

Mr. Maninder Singh, Sr. Adv.  
Mr. Gaurav Sharma, AOR  
Mr. Kirtman Singh, Adv.  
Mr. Waize Ali Noor, Adv.  
Mr. Dhawal Mohan, Adv.  
Mr. Prateek Bhatia, Adv.  
Ms. Srirupa Nag, Adv.  
Mr. Taha Yasin, Adv.

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

- 1 Clause 4.1 of the Information Bulletin for the NEET-PG 2022 examination sets out the eligibility criteria for admission to MD/MS/PG Diploma Courses. Clause 4.1 provides that:

“4.1. Candidates in possession of MBBS degree or Provisional MBBS Pass Certificate recognized as per the provisions of the NMC Act, 2019 and the repealed Indian Medical Council Act 1956 and possessing permanent or provisional registration certificate of MBBS qualification issued by the NMC/ the erstwhile Medical Council of India or State Medical Council and have completed one year of internship or are likely to complete the internship on or before 31st May 2022, may apply for NEET-PG 2022 through online application system at website <https://nbe.edu.in>.”

- 2 The petitioners are doctors who wish to appear for the ensuing NEET-PG examination. They are aggrieved by the cut-off date of 31 May 2022. The grievance of the petitioners is that like many other candidates, they joined Covid duties as a result of which the period of their internships was postponed.
- 3 Mr Mukul Rohatgi, senior counsel appearing on behalf of the petitioners, submits that different institutions in different States have different dates for the commencement of internships and many of those dates would end beyond the cut-off which has been prescribed, resulting in the loss of a year for these doctors.
- 4 One of the grounds on which the petition under Article 32 of the Constitution was instituted was that there was a likely clash between the schedule of counselling for NEET-PG 2021-22 and the NEET-PG examination for the ensuing academic year. This aspect of the matter has now been resolved as a result of the postponement of the NEET-PG examination.
- 5 The issue which has been raised by the petitioners requires a determination of facts bearing on the position in different parts of the country. Prescribing a cut-off date pertains to the policy domain. The ends of justice would be met by permitting the petitioners to submit a representation to the Union Ministry of Health and Family Welfare<sup>1</sup> setting out the nature of the hardship which has been

1 “MoHFW”

faced by the petitioners and similarly placed candidates. The representation shall be considered expeditiously, within a period of one week of the date of its submission, by the competent authority. Since the Court is leaving it open to the petitioners to move the MoHFW with a representation, no opinion has been expressed by this Court on the merits of the grievance at the present stage.

6 The petition shall stand disposed of in the above terms.

7 Pending application, if any, stands disposed of.

**IA No 18008 of 2022 (Application for intervention)**

1 Application for intervention is allowed.

2 Counsel states that the application for intervention pertains to the MDS Course. Liberty is granted to the applicants to submit a representation in terms of the order passed above in Writ Petition (Civil) No 68 of 2022.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**