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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/APPELLATE JURISDICTION
B.R. GAVAI; J., K. VINOD CHANDRAN; J.

WRIT PETITION (CIVIL) NO.1205 OF 2019; FEBRUARY 4, 2025
ARUNADITYA DUBEY *versus* MEDICAL COUNCIL OF INDIA AND ANR.

Medical Council Act, 1956; Sections 13(4B), 33 - Foreign Medical Institution Regulation, 2002; Clause 8(iv) - Constitutional Validity - The Supreme Court upheld the Medical Council of India's (now National Medical Commission) regulations mandating that candidates seeking to pursue MBBS from foreign medical institutions must qualify the National Eligibility-cum-Entrance Test (NEET) to obtain an Eligibility Certificate. The requirement, introduced through Section 13(4B) of the Indian Medical Council Act, 1956 (amended in 2001) and Clause 8(iv) of the Foreign Medical Institution Regulation, 2002 (amended in 2018), was deemed constitutional, fair, and transparent. The Court rejected the petitioners' challenge, holding that the regulations, issued under Section 33 of the Act, were neither *ultra vires* nor arbitrary. The petitioners' request for a one-time exemption from the NEET requirement was also dismissed, as candidates who sought admission in foreign institutions post-amendment were bound by the regulations. The Court clarified that the regulations do not restrict the right to practice medicine outside India but set essential eligibility criteria for practicing within the country. (Para 4, 5)

WITH WRIT PETITION (CIVIL) NO. 1221 OF 2019; SPECIAL LEAVE PETITION (CIVIL) NO.15598 OF 2021; SPECIAL LEAVE PETITION (CIVIL) NO.15875 OF 2022

For Petitioner(s): Mr. Viraj Kadam, Adv. Mr. Rahul Kumar, Adv. Mr. Soumya Dutta, AOR Mr. Siddhant Upmanyu, Adv.

For Respondent(s): Mr. Gaurav Sharma, Sr. Adv. Mr. Prateek Bhatia, AOR Mr. Dhawal Mohan, Adv. Mr. Paranjay Tripathi, Adv. Mr. Rajesh Raj, Adv.

ORDER

The above petitions have been filed challenging the regulation brought out by the Medical Council of India requiring further eligibility criteria with respect to pursuing undergraduate medical course in a Foreign Medical Institution. The Foreign Medical Institution Regulation, 2002 was incorporated with an additional criteria numbered as Clause 8(iv) which mandated qualification on the "*National Eligibility-cum-Entrance test for admission to MBBS course*" (NEET, for brevity) which would be deemed to be treated as the Eligibility Certificate for students desirous of pursuing primary undergraduate medical education from any medical institution outside India; which was an addition to the requirement of fulfilling the eligibility criteria for admission to the MBBS course prescribed in the Regulations on Graduate Medical Education, 1997.

2. The learned counsel appearing for the petitioners argued that the said requirement was first introduced in the year 2018 by a notification without an amendment to the statute itself. The requirement for such qualification in the NEET hence cannot be insisted, which goes against the statute, was the contention.

3. The Indian Medical Council Act, 1956 was amended (by Amendment Act 34 of 2001) incorporating sub-section (4A) and (4B) under Section 13. Section 13 (4A) required a citizen of India who obtains medical qualification from any institution outside the country to qualify in a screening test before he/she is entitled to be enrolled in the Medical Register maintained by a State Medical Council or the Indian Medical Register. Sub-section (4B)

also required an eligibility certificate to be obtained from the Medical Council before the student gets admission to a course leading to a primary medical qualification from any medical institution in a foreign country.

4. The regulation has been brought in, invoking the power under Section 33 of the Act which empowers the Council, with the previous sanction of the Central Government, to make any regulation generally to carry out the provisions of the Act. The requirement of an Eligibility Certificate from the Medical Council had been provided by section 13(4B) by an amendment in the year 2001 and the incorporation of sub-Clause (iv) under Clause 8 in the year 2018; mandating qualification in the NEET exam, ensures a fair and transparent procedure in the grant of Eligibility Certificate. The regulation does not in any manner conflict with the enactment.

5. We find absolutely no reason to interfere with the regulations, in which context, the learned counsel sought for a one-time exemption as applicable to the petitioners. Obviously, with open eyes, after the amended regulations came into effect if any candidate chose to obtain admission in a foreign institution for pursuing a course leading to a primary medical qualification, they cannot seek for an exemption from the regulations; which lays down essential eligibility criteria for practicing medicine within the Country. This does not restrict their right to practice anywhere outside India. The regulations, especially the additional mandate to satisfy the eligibility criteria, is not *ultra vires* the Constitution and neither is it in conflict with any provisions of the Act nor on any count arbitrary or unreasonable. Hence, all the petitions are dismissed.

6. Pending application(s), if any, shall stand disposed of.

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