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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11841/2021 & CM APPL. 19024/2022 (permission).

DR DEBJANI ROY

..... Petitioner

Through: Mr.V.C.Shukla, Mr.Tarun Gulia &
Mr.Shushant Bajaj, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr.Vikrant N Goyal & Ms.Rupaali
Kapoor, Adv. for R-1
Mr.T.Singhdev, Mr.Abhijit Chakravarty &
Ms.Sumangala Swami, Advs. for R-2

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

10.05.2022

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1. The petitioner has approached this Court seeking a direction to the respondent to allow her to appear in the next NEET-PG entrance exam, 2022 scheduled to be held on 21.05.2022 on the basis of the X-1 Visa held by her, issued by the FRRO (Foreign Regional Registration Office).
2. Learned counsel for the petitioner submits that during the course of the pendency of the present petition, the petitioner has now been issued a special permit/visa on 24.03.2022 by the FRRO, whereby she has been allowed to undertake studies for the Masters in Public Health (MPH) course, with a specific rider that she is not entitled to any employment or engage in any business.
3. Based on this fresh visa issued in her favour by the FRRO, learned counsel for the petitioner submits that once she was granted

permission to undertake the MPH course, the respondent ought to permit her to appear for the NEET-PG entrance exam, 2022, which is the mandatory requirement for her to qualify for MPH. By placing reliance on Clause 4.11 of the Information Bulletin for NEET PG, 2022, pertaining to the eligibility criteria for foreign nationals, he further submits that, even otherwise, the Information Bulletin does not mandate a foreign national to obtain a study visa to appear in the said exam.

4. Learned counsel for the respondents do not deny that the petitioner has now been permitted by the FRRO to undertake studies for the MPH course, for which the petitioner is mandatorily required to appear in the NEET-PG entrance exam, 2022. Learned counsel for the respondent no 1, however, submits that even if the petitioner qualifies for the NEET PG exam, 2022, she can be permitted to undergo only the MPH course, in view of the aforesaid visa having been issued to her only to pursue that specific course.
5. Having considered the submissions of the parties and perused clause 4.11 of the NEET-PG 2022 Information Bulletin, relied upon by the petitioner, I find that today, the parties are in fact *ad idem* that the petitioner is now eligible to appear in the NEET PG, 2022 entrance exam. The petitioner, who is a holder of X-1 Visa, having now been granted a further visa to undergo the MPH course, there is every possibility that in case she succeeds in the NEET-PG 2022 exam, she may again be granted a similar visa to undergo any other course, if found to be eligible for the same, based on her performance in the NEET-PG entrance exam. The respondents, therefore, cannot at this

stage, insist on a rider on her right to seek permission for undergoing other courses in the future.

6. For the aforesaid reasons, the writ petition is allowed by directing the respondents to permit the petitioner to appear in the NEET-PG entrance exam, 2022 scheduled to be held on 21.05.2022. It is, however, made clear that in case the petitioner falls in the merit list of the NEET PG entrance exam, 2022, for any course other than MPH, for which course she has been specifically issued the visa on 24.03.2022 by the FRRO, the petitioner will be allowed to pursue the said course, only subject to her obtaining permission from the FRRO for undergoing the same.
7. It is further made clear that this Court has neither examined, nor expressed, any opinion qua the petitioner's grievance in respect of the Draft Regulations for Foreign Medical Graduates, 2021 (FMG Regulations), or the eligibility of foreign nationals to appear in the National Exit Test 2(NExT2) under regulation 3.2 therein, and therefore, in case the petitioner is aggrieved at a later stage by any decision taken by the respondents, it will be open for her to seek legal recourse as permissible in law on all grounds, including the grounds raised in the present petition.

REKHA PALLI, J

MAY 10, 2022

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