

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (Civil) No 451 of 2024

Rahul Balwan and Others

... Petitioners

Versus

Union of India and Others

... Respondents

ORDER

- 1 The petitioners who are doctors with post graduate medical degrees have challenged the decision which was taken in February 2024 by the National Medical Commission¹ to postpone the holding of the National Eligibility-cum-Entrance Test – Super Specialty² 2024.
- 2 Pursuant to the order dated 19 July 2024 issuing notice, a counter affidavit has been filed by the NMC.

1 “NMC”
2 “NEET-SS”

- 3 The academic session for the students who had appeared for the NEET (PG) 2021 and were admitted to post graduate courses commenced in the month of January 2022. The post graduate degree courses comprise of an academic term of three years. As a consequence, students who were admitted pursuant to the NEET (PG) 2021 and whose courses commenced in January 2022, would be completing their post graduate courses by January 2025.
- 4 The Post Graduate Medical Education Board took a decision on 23 February 2024, not to conduct the NEET - Super Specialty 2024 examination in 2024. This decision has been called into question.
- 5 Ms Rashmi Nandakumar, counsel appearing on behalf of the petitioners submits that the data disclosed by NMC indicates that only 40% of the students who take the NEET-SS exam are candidates who have passed out from the immediately previous batch of the post graduate degree course. In other words, it has been submitted that 60% of the students are those who have graduated with post graduate degrees at a prior point of time and who would be eligible for the examination. Hence, it has been submitted that in this backdrop, it is arbitrary for the NMC to deprive those students of the benefit of appearing for NEET-SS 2024 if it were to be held in 2024.
- 6 Mr Gaurav Sharma, counsel appeared on behalf of the National Medical Commission to oppose the petition.

- 7 The counter affidavit filed on behalf of NMC indicates that the percentage of fresh candidates/pass outs appearing in the NEET-SS examination in the same year of completing their post graduate courses is (i) 38% in 2021-2022; (ii) 40% in 2022-2023; and (iii) 42% in 2023-2024. On this basis, it has been submitted that if NEET-SS 2024 were conducted in 2024, about 40% of the students drawn from the 2021 post graduate batch (whose courses commenced in January 2022 and who would be passing out in or around January 2025) would be deprived of the opportunity of appearing for the NEET-SS examination. Moreover, it has been submitted that such students would be then competing also with the batch of students passing out in the next academic year - 2025, for the available seats. This would result in a situation where two batches of fresh candidates/pass outs of the 2024 and 2025 batches would be competing in NEET-SS 2025 for the same number of seats. On the other hand, the petitioners have already appeared in the NEET-SS in earlier years and they would stand to get the benefit of competing for the same number of seats, but with lesser number of students taking the examination if the NEET-SS examination were to be held in 2024.
- 8 The grievance of the petitioners is that 40% of the students who take the NEET-SS, as the data indicates, are drawn from fresh post graduates/pass outs. At the same time, what has been stated by the respondent on affidavit is also a weighty consideration. Students such as the petitioners who have already appeared in previous attempts for the NEET-SS would not be prejudiced *per se* except in terms of a delayed holding of the examination.

On the other hand, if the Court were to mandate the holding of the NEET-SS 2024 examination immediately, a situation would arise where the previous batch of post graduate students who would qualify for the NEET-SS only in the month of January 2025, would be deprived of the opportunity of appearing for the NEET-SS 2024 examination. Moreover, for the NEET-SS 2025 examination, two batches would have to compete for the same number of seats. In this backdrop, the decision which has been arrived at by the NMC seems to be equitable. The decision, at the least, cannot be regarded as arbitrary so as to warrant the intervention of this Court. While there may be some element of hardship to candidates such as the petitioners, whose appearance for the NEET-SS examination may be postponed by a few months, this hardship has to be balanced against the consideration which has been indicated in the affidavit which has been filed by the NMC.

- 9 For the above reasons, the Court would be justified in deferring to the academic policy which has been embodied in the impugned decision of the NMC. Consequently, we do not find any reason to entertain the petition.
- 10 However, having not found any merit in the principal prayer of the petitioners, we are of the view that NMC must take an early decision for laying down a schedule for convening the ensuing NEET-SS 2024 examination. The students must have certainty as regards the date on which the examination would be held. The schedule shall be announced no later than within a period of thirty days from the date of this order. The

examination should be held at a reasonable date factoring in the availability of students who would be completing their post graduate courses by January 2025.

11 The Petition is accordingly disposed of in the above terms.

12 Pending applications, if any, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
August 14, 2024
CKB

ITEM NO.40

COURT NO.1

SECTION X

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

Writ Petition (Civil) No.451/2024

RAHUL BALWAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 14-08-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Ms. Rashmi Nandakumar, AOR
Mr. Ravi Sahgal, Adv.
Ms. Roopali Lakhotia, Adv.
Ms. Yashmita Pandey, Adv.

For Respondent(s) Mr. Gaurav Sharma, AOR
Mr. Kirtiman Singh, Adv.
Mr. Dhawal Mohan, Adv.
Mr. Waize Ali Noor, Adv.
Mr. Paranjay Tripathi, Adv.
Mr. Rajesh Raj, Adv.
Mr. Ankita Dogra, Adv.
Mr. Ranjeev Khatana, Adv.
Mr. Varun Pratap Singh, Adv.
Mr. Varun Rajawat, Adv.

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

- 1 The Petition is disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar
(Signed order is placed on the file)