



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 1110/2022

Samridhhi Saraswat Daughter Of Shri Gururaj Saraswat

----Petitioner

Versus

National Medical Commission

----Respondent

For Petitioner(s) : Mr. R.K. Agarwal, Sr. Adv. assisted by
Ms. Sunita Pareek through VC

For Respondent(s) :

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR. JUSTICE SAMEER JAIN**

Order

24/01/2022

Case of the petitioner is that she is pursuing a medical course in an institution situated in Philippines. According to the petitioner this institution is recognized as per the National Medical Commission Act, 2019 and in particular Section 36 thereof. Counsel for the petitioner pointed out that the Medical Council of India has now framed regulations in which regulation 4 provides *inter-alia* that no medical graduate shall be granted permanent registration unless he has undergone a course leading to foreign medical degree with minimum duration of 54 months. By virtue of this regulation, the degree that may be awarded to the petitioner may not be recognized for the purpose of her registration in India since the course is of duration of 48 months. Counsel for the petitioner argued that regulation 4(a)(i) is *ultra vires* since it travels beyond the scope of the Act and is in conflict of Section 34 of the Medical Council of India Act, 2019.



Issue notice, returnable on 22.03.2022.

(SAMEER JAIN),J

(AKIL KURESHI),CJ

KAMLESH KUMAR/27



RAJASTHAN HIGH COURT



सत्यमेव जयते