

[3313]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION Nos.4213 and 4322 of 2023

WRIT PETITION NO: 4213 OF 2023

Between:

1. Pathem Murali Krishna, S/o Pathem Rajender Aged about 25 Yrs. Occ. Student R/o H.No.5-85, Neerukulla Village, Atmakur Mandal, Warangal District Telangana State-506 342
2. Gumpula Aravind Sai, S/o Gumpula Cheralu Aged about 23 Yrs. Occ. Student R/o H.No.1-35, Narsampet Village and Mandal, Warangal District, Telangana State-506 342

...PETITIONERS

AND

1. The Union of India, through its Secretary Health and Family Welfare Department, Add.Niman Bhavan, Maulana Azad Road, New Delhi
2. The National Board of Examination in Medical Science, through its Director NAMS Buildings, Medical Enclave, Mahatma Gandhi Marg, Ansari Nagar, New Delhi
3. The National Medical Commission, New Delhi, through Secretary Data Dev Mandir Road, Phase-I, Pocket 14, Sector 8, Dwaraka, New Delhi
4. The Kaloji Narayana Rao University of Health Sciences, Warangal, Rep. by its Registrar,
5. The Commissioner and Director of Health and Family Welfare Department, Sultan Bazar, Koti, Hyderabad
6. Telangana Vidya Vidhana Parishad, Rep. by its Commissioner, Office at Sultan Bazar, Koti, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in conducting NEET PG2-23 on 05/03/2023 is illegal, arbitrary and in violation of fundamental rights which was guaranteed by the Constitution and consequently direct the respondent extend the NEET PG -2023 examination for further three months i.e., 21/05/2022 as per earlier NEET PG-2022 notification.

Entrance Examination despite recent extension of the Internship eligibility cut-off date as illegal, arbitrary and violative of Articles 14 and 21 of Constitution of India and consequently direct the Respondents to postpone the date of NEET-MDS 2023 Entrance Examination.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to consider the representations of the Petitioner and others for postponing of the NEET-MDS 2023 Entrance Examination pending disposal of the writ petition.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant Stay of the conduct of NEET-MDS 2023 Entrance Examination on 01.03.2023 pending disposal of the writ petition.

Counsel for the Petitioner: SRI. KOWTURU PAVAN KUMAR

**Counsel for the Respondent Nos.1 & 2: SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.3: SRI S. ABHAYA KUMAR SAGAR
SC FOR DENTAL COUNCIL FOR INDIA**

**Counsel for the Respondent No.4: SRI A. PRABHAKAR RAO,
SC FOR KNR UNIVERSITY**

**Counsel for the Respondent No.5: GP FOR MEDICAL HEALTH &
FAMILY WELFARE**

The Court made the following: COMMON ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

W.P.No.4213 and 4322 of 2023

COMMON ORDER: *(Per Hon'ble Justice Abhinand Kumar Shavili)*

These two Writ Petitions are being disposed of by way of common order since the issue raised in these writ petitions pertains to admission into P.G courses in Medical Sciences as well as Master of Dental (MDS) in Dental Sciences.

2. W.P.No.4213 of 2023 deals with the admission into P.G courses in Medical Sciences and W.P.No.4322 of 2023 deals with the admission into P.G courses in Dental Sciences.

3. Heard Mr. Ponampelli Ravi and Mr. Kowturu Pavan Kumar, learned counsel for the petitioners, learned Deputy Solicitor General of India, appearing for the respondent Nos.1 and 2, Mrs. Gorintla Poojitha, learned counsel for respondent No.3, Mr. A. Prabhakar Rao, Government Pleader for Medical and Health

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents postpone/extend the NETT PG 2023 examination date for further three months like NEET PG-2022 exam notification conducted by NBE dt.21/05/2022 as per earlier pending disposal of the writ petition.

Counsel for the Petitioner: SRI. PONAMPELLI RAVI

**Counsel for the Respondent Nos.1 & 2: SRI GADI PRAVEEN KUMAR,
DEPUTY SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.3: SMT GORANTLA SRI RANGA PUJITHA,
SC FOR NATIONAL MEDICAL COMMISSION**

**Counsel for the Respondent No.4: SRI A. PRABHAKAR RAO,
SC FOR KNR UNIVERSITY**

**Counsel for the Respondent No.5: GP FOR MEDICAL HEALTH &
FAMILY WELFARE**

Counsel for the Respondent No.6: SRI S. VIJAY PRASHANTH, SC FOR TVVP

WRIT PETITION NO: 4322 OF 2023

Between:

Pravallika Dongala, D/o Nageswara Rao, Aged 24 yrs, Occ. BDS Student,
R/o H.No.1-58, Dharedu (V and M), Khammam District, Telangana State.

AND

...PETITIONER

1. Union of India, Rep., by its Secretary, Ministry of Health and Family Welfare, New Delhi - 110 011.
2. National Board Of Examination In Medical Sciences, Rep., by its President, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110 029.
3. Dental Council of India, Rep., by its Secretary, Aiwan-E-Galib Marg, Kotla Road, New Delhi - 110 002.
4. State of Telangana, Rep. by its Principal Secretary, Medical Health and Family Welfare Department, Secretariat, Hyderabad.
5. Kaloji Narayana Rao University of Health Sciences, Rep. by its Registrar, Warangal

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, order or direction preferably Writs of Mandamus, declaring the action of the Respondents No.1 to 3 in not postponing the NEET-MDS 2023

the petitioner cannot be entertained. However, this Court is of the considered view and the ends of justice would be met if the present Writ Petition is disposed of with a direction to the petitioners to submit a fresh representation to the respondents seeking postponement of the NEET examination within one (1) week and upon such representation being received, the respondents shall consider and pass appropriate orders in accordance with law as expeditiously as possible by keeping in mind that the Entrance Examination is scheduled to be held in the first week of March, 2023. This Court has not expressed any opinion on the merits of the case.

8. Before parting with the case we also make it clear from the next academic year the respondent shall take steps to see that all the candidates who have completed MBBS/BDS course across the country a uniform cut off date be fixed and enough care is taken to ensure that sufficient time is granted to all the students to prepare for NEET.

HIGH COURT

DATED:15/02/2023

COMMON ORDER

W.P.Nos.4213 an 4322 of 2023



DISPOSING OF THE WRIT PETITIONS
WITHOUT COSTS

20
W.P.
16/02/2023

academic year 2021-22 and they will be completing internship by 30.06.2023. No doubt with the extension of cut off date, the petitioners were made eligible to writ for NEET-MDS course, but the respondents should have given breathing time for the petitioners to prepare for the NEET-MDS admission and the petitioners have also come up with a similar plea that the NEET-MDS examination be postponed so as to enable the petitioners to prepare for the said examination and appear.

6. Learned counsel appearing for the National Medical Commission and the learned Deputy Solicitor General of India appearing for the respondents had contended that the NEET admission notification was issued way back in 16.09.2022 and the entire arrangements were made on all India basis to conduct NEET P.G examination on 05.03.2023 and if the examinations are postponed, there will be lot of chaotic situations in the entire country and it cannot be feasible to postpone the examination that too in the

9. With these observations, both the Writ Petitions are disposed of. There shall be no order as to costs.

10. As a sequel, miscellaneous applications pending if any, shall stand closed.

SD/-C.PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary Health and Family Welfare Department, Union of India, Add.Niman Bhavan. Maulana Azad Road. New Deli
2. The Director, National Board of Examination in Medical Science, NAMS Buildings, Medical Enclave, Mahatma Gandhi Marg. Ansari Nagar. New Delhi
3. The Secretary, National Medical Commission, New Delhi, Data Dev Mandir Road, Phase-I, Pocket 14, Sector 8. Dwaraka. New Delhi
4. The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal.
5. The Commissioner and Director of Health and Family Welfare Department, Sultan Bazar, Koti, Hyderabad
6. The Commissioner, Telangana Vidya Vidhana Parishad, Office at Sultan Bazar, Koti. Hyderabad.
7. The Secretary, Dental Council of India, Aiwan-E-Galib Marg, Kotla Road, New Delhi - 110 002.
8. One CC to Sri Ponampelli Ravi, Advocate [OPUC]
9. Two CCs to GP for Medical Health and Family Welfare, High Court for the State of Telangana at Hyderabad. [OUT]
10. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor General of India [OPUC]
11. One CC to Smt Gorantla Sri Ranga Pujitha, SC for National Medical Commission [OPUC]
12. One CC to Sri A. Prabhakar Rao, SC for KNR University [OPUC]
13. One CC to Sri S. Vijay Prashanth, SC FOR TVVP [OPUC]
14. One CC to Sri Kowturu Pavan Kumar. Advocate [OPUC]
15. One CC to Sri S. Abhaya Kumar Sagar, SC for Dental Council of India [OPUC]
16. Two CD Copies

CHR
SB

CHR

2021-22. The persons who were similarly situated submitted their representation to the respondents to extend the cut off date for eligibility to apply for NEET P.G examination and the respondents were pleased to extend the cut off date from 31.03.2023 to 30.06.2023 initially and further pleased to extend the cut off date to 11.08.2023. By virtue of extension of cut off date, the petitioners were made eligible to write NEET P.G examination which is scheduled to be held on 05.03.2023, but however, no sufficient time is granted by the respondents to the petitioners to prepare for the NEET P.G examination and write the examination. The learned counsel for the petitioners have approached this Court contending that the NEET P.G examination which is scheduled to be held on 05.03.2023 be postponed to reasonable time so that the petitioners can prepare for NEET P.G examination.

5. Learned counsel for the petitioners in W.P.No.4322 of 2023 had contended that the petitioners have completed their BDS course for the

appearing for the 4th respondent, Mr. S. Vijay Prashanth, learned Standing Counsel for respondent No.6 in W.P.No.4213 of 2023 and Mr. S. Abhaya Kumar Sagar, learned counsel for respondent No.3 in W.P.No.4322 of 2023.

4. Learned Counsel for the petitioners contended that the petitioners have completed MBBS course and are doing internship. The grievance of the petitioners is that their internship is up to 11.08.2023 and the 2nd respondent has issued NEET P.G notification on 16.09.2022, wherein it was stated that Entrance Examination i.e., NEET P.G-2023 would be held on 05.03.2023 and in the notification, cut off date was fixed as 31.03.2023, the persons who have completed internship as on 31.03.2023 or before that date, were made eligible to write NEET P.G examination, as the petitioners were to complete internship as on 11.08.2023, they were made ineligible to appear for NEET P.G examination even though they have completed their MBBS Course for the academic year