

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

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

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

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

last minute. However, they have contended that for the next academic year, every effort will be taken to ensure all the candidates who have completed MBBS/BDS course are made eligible and every opportunity will be given to the students to prepare for the examination and take up examination, therefore, the question of postponing the NEET P.G/ NEET-MDS examination would not arise, as the two Entrance Examinations are scheduled to be held nationwide and if the plea of the petitioners is accepted, the similar kind of request would be emerging across the country. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

7. This Court, having considered the rival submissions made by the parties, is of the considered view that postponing the NEET P.G examination/ NEET-MDS examination may not be feasible because the above Entrance Examination would be conducted on all India basis and the dates were already finalised almost six (6) months back. Therefore, the request of

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.

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.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date : 15.02.2023
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