

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2986 of 2020
(Arising out of SLP(C)No.8214/2020)

ABDUL AZEEZ

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

Leave granted.

1. The appellant claiming to be a social worker and Member, Kerala Muslim Cultural Centre filed Public Interest Writ Petition seeking a direction to the Union of India, represented by its Secretary, Ministry of Human Resource Development, New Delhi and National Testing Agency to sanction examination centers in Qatar as well as the Gulf Cooperation Council Countries for National Eligibility-cum-Entrance Test (NEET). He also sought a direction to Respondents 1 and 2 to defer the NEET examination till normalcy is restored or till a decision is taken to allow the expatriate students in Qatar and other Gulf Cooperation Countries to take the NEET examination at centers outside

India.

2. According to the Appellant, there are 300 aspirants in Qatar alone and they have sent requests to Respondents 1 and 2 to provide examination centers in Gulf countries for the NEET examination.

3. The National Testing Agency informed the High Court that it approached the Medical Council of India (MCI) to enquire whether NEET (UG)-2020 could be conducted in online mode to expatriate Indian students. It was submitted by the National Testing Agency that the MCI was not willing to conduct the NEET examination in online mode for the candidates abroad. The MCI which was impleaded as a Respondent in the Writ Petition informed the High Court that the NEET is a uniform entrance exam conducted through multiple choice questions in paper book format given to all candidates. The view of the Board of Governors, MCI was that the examination should not be conducted in online mode.

4. The High Court dismissed the Writ Petition by holding that no directions can be issued to the MCI in the matter of conduct of examinations and location of the centers outside the country. This Appeal is directed against the judgment of the High Court dismissing the Writ Petition.

5. Mr. Haris Beeran, learned counsel for the Appellant submitted that the National Testing Agency conducts joint entrance examinations for admission to Engineering courses in NITs and IITs in online mode. The JEE is scheduled to be conducted between 1st and 6th September, 2020. The NEET examination is scheduled to be held on 13th September, 2020 which is not conducted online to the detriment of expatriate students. He argued that there are students who take both the JEE and the NEET examination. After taking the JEE they cannot travel to India to participate in the NEET examination in view of the quarantine restrictions imposed by various States.

6. Mr. Tushar Mehta, learned Solicitor General of India submitted that the Writ Petition is not filed either by a student or his/her parent. No details about the number of students who are eligible to participate in the NEET examination have been given by the Appellant. He submitted that the students can be accommodated in the Vande Bharat Mission flights, subject to the quarantine restrictions by the States. They can travel to India to take the NEET examination. Mr. Gaurav Sharma, learned counsel for the MCI supported the submissions of the learned Solicitor General and argued that the Board of Governors of the MCI has taken

a conscious decision not to conduct the NEET examination by online mode.

7. Having considered the submissions made by the learned counsel for both sides, we agree with the view taken by the High Court that the decision taken by the expert body like MCI does not warrant interference. The thrust of the arguments of Mr. Haris Beeran is that expatriate students will not be able to travel to India to take NEET examination in view of the restricted air travel during the Covid-19 pandemic. Yet another submission is that students eligible to take both JEE and NEET examination cannot, in any event, travel to India and take the NEET examination in view of the quarantine restrictions imposed by the States.

8. The High Court was informed that the Vande Bharat Mission flights are available for students and efforts will be made by the Ministry of External Affairs to accommodate Indian students and Overseas Citizenship of India (OCI) students before the NEET examination. To allay any apprehension of the expatriate students, we requested the learned Solicitor General to discuss the matter with the concerned authorities and permit the expatriate students to travel by the Vande Bharat Mission flights for the purpose of taking the NEET examination. The learned Solicitor

General fairly accepted the suggestion and submitted that he will speak to the authorities and request them to accommodate the expatriate students.

9. As no details have been given about any expatriate student eligible to take both JEE and the NEET examinations, we are not inclined to accept the submission of Mr. Haris Beeran. The State Governments shall consider the genuine requests for relaxation of quarantine conditions made by expatriate students to attend NEET examination on 13.09.2020.

10. The Appeal is disposed of accordingly.

.....J.
(L.NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

.....J.
(S. RAVINDRA BHAT)

NEW DELHI;
24th August, 2020.

ITEM NO.21 Court 5 (Video Conferencing) SECTION XI-A

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

Petition(s) for Special Leave to Appeal (C) No(s).8214/2020

(Arising out of impugned final judgment and order dated 30-06-2020 in WP(C) No.11495/2020 passed by the High Court Of Kerala At Ernakulam)

ABDUL AZEEZ

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(EXEMPTION FROM FILING AFFIDAVIT, EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, INTERVENTION APPLICATION, PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 24-08-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Haris Beeran, Adv.
 Ms. Pallavi Pratap, AOR
 Ms. Meghna Rau, Adv.

For Respondent(s) Mr. Tushar Mehta, Ld. SG
 Mr. Rupesh Kumar, Adv.
 Mr. Rajeev Sharma, Adv.
 Ms. Neelam Sharma, Adv.
 Ms. Pankhuri Shrivastava, Adv.
 Mr. Rupesh Kumar, AOR

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

Leave granted.

The appeal is disposed of in terms of the
signed order. Pending application(s), if any, shall
stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)