



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 19986/2025

Gopal Singh S/o Kumbh Singh, Aged About 23 Years, Devaniya,
Tinwari, Jodhpur (Raj.)-342306.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Medical Education Department, Jaipur.
2. Chairman, National Eligibility-Cum-Entrance Test (Ug) Medical And Dental Counseling Board.
3. National Medical Commission, Through Its Chairperson, Pocket 14, Sector 8, Dwarka, New Delhi.

-----Respondents

For Petitioner(s)	:	Mr. Sharad Kothari with Mr. Kalpit Shishodia.
For Respondent(s)	:	Mr. Narendra Singh Rajpurohit, AAG with Mr. Sher Singh Rathore. Mr. Bhutid Gahlot for Mr. Siddharth Tatiya.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

REPORTABLE

20/11/2025

1. This writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

- “a) Qualify the Petitioner in his document verification, in view of the fact, that Petitioner has met out with all the eligible criterion and subsequently, final allotment of new college may be done qua the petitioner;
- b) That petitioner's rejection of candidature by way of declaration on email as non-eligible for the said examination on the count that Petitioner has not pursued biology in Class 11th may be quashed and set aside and; further, the petitioner may be declared eligible candidate after having passed biology in Class 12th Exam as an additional subject.



c) Pass any other or further order as may be deemed just and proper in the facts and circumstances of the case.”

2. Facts of the case are that the petitioner is a meritorious student, who has successfully completed his senior secondary education by a duly recognized board, i.e., the Board of Secondary Education for Rajasthan (RBSE). The petitioner, having a strong academic inclination towards medical sciences, aspires to pursue a career as a doctor and is thus appearing for the NEET (UG) Examination for the year 2025. He completed his Class 10th education on 08.06.2017 (Annex.2) by passing the secondary examination with a total of 83.67%. Pursuant thereto, he chose science as his field in Class 11th and 12th and completed these studies in 2017-18.

2.1. Subsequently, he re-appeared for his senior secondary examination in 2019, with his mark sheet issued on 15.05.2019 (Annex.3), obtaining a total of 72.6%. He then appeared for his supplementary/additional examination in 2020; on 30.09.2020 (Annex.4), he appeared for an additional/supplementary subject of Biology and obtained First Division by securing 68 marks. Thus, the petitioner completed Class 12th in Hindi, English, Physics, Chemistry, Mathematics, and Biology, all prerequisites to appear in the NEET (UG) examinations.

2.2. In furtherance of that aspiration, he appeared for the NEET (UG) examination conducted for admission to MBBS and allied medical courses across India, fulfilling all eligibility criteria prescribed by the competent authority. He submitted his application form for NEET (UG) Examinations 2025 and received a provisional Admit Card (Annex.5) for the examination on



04.05.2025. Upon declaration of results for that exam, the petitioner's name appeared in the merit list, i.e., the first round of provisional allotment, making him eligible to participate in the counselling and admission process conducted by the competent authorities. He obtained a percentile of 99.4359 with a total of 550 marks out of a maximum of 720. He applied under the General (EWS) category; his scorecard showing an All India Rank of 12,449 was declared on 14.06.2025 (Annex.6).

2.3. Subsequently, in the first round of provisional allotment, he was allotted Government Medical College, Barmer, on 20.08.2025 (Annex.7), but he did not choose to appear there as he preferred another college. Later, on 26.09.2025 (Annex.9), in the second round of provisional allotment, he was allotted Government Medical College, Sri Ganganagar, under the Government Category Seat. He was called for document verification to finalize his allotment, having deposited Rs.50,000/- as security on 13.08.2025 (Annex.9), without which no counselling or document verification could take place.

2.4. During the counselling and document verification process, the petitioner's candidature was arbitrarily rejected by an email dated 01.10.2025 (Annex.10) on the ground that he had not pursued Biology as a subject in Class 11th, although he had duly studied and passed Biology in Class 12th as part of his qualifying senior secondary examination.

2.5. The petitioner brought this fact to the authorities' attention during document verification, but his request was informally rejected, and he was told he was no longer eligible to appear in the examination. The petitioner's aspiration to pursue a career in



medicine was thus shattered. In an effort to rectify this, the petitioner wrote multiple emails to the NEET (UG) board, highlighting that it was not compulsory to have studied Biology in Class 11th; only the completion of Biology at Class 12th level was required, as per the information bulletin and the public notice issued by the National Medical Commission dated 22.11.2023 (Annex.11). The notice clarified at paragraph 7 that the condition of having Biology in both Class 11th and 12th had been declared redundant, permitting students who had taken Biology or Biotechnology even as an additional or supplementary subject in Class 12th from a recognized board to appear in NEET (UG) and be eligible for a certificate.

2.6. Despite these representations, the petitioner was informed via email that because he had not studied Biology in Class 11th, he was ineligible for allotment to a Government Medical College. Aggrieved by this incorrect and arbitrary rejection of his candidature on grounds not stipulated in the eligibility criteria, the petitioner has been compelled to file this writ petition.

3. Learned counsel for the petitioner submits that the petitioner was successful in all aspects and was allotted a medical college for pursuing his MBBS course. The respondents were not justified in rejecting his candidature on the ground that he had not pursued Biology as a subject in Class 11th, although he had duly studied and passed Biology in Class 12th as an additional subject, part of his qualifying senior secondary examination. While drawing the attention of this Court to the Public Notice dated 22.11.2023 (Annex.11) issued by the National Medical Commission (NMC), he submits that, as per the said Public Notice, the petitioner was



required to have Physics, Chemistry, Biology/Biotechnology along with English, and even the additional subjects mentioned aforesaid were also held to be eligible for Class 12th. He further submits that since the petitioner, for the academic session 2019-20, took Biology as an additional subject alongside Physics, Chemistry, and Mathematics, the petitioner's candidature could not have been rejected solely on the ground that Biology must be a subject in Class 11th. He also submits that the NMC Guidelines 2025 / Information Booklet (Annex.R/1) (hereinafter called as 'Information Booklet') as well as the Public Notice dated 22.11.2023 does not mandate anywhere that a candidate is required to have studied Biology in Class 11th as well. He thus submits that the petition deserves to be allowed and the action of the respondents in rejecting petitioner's candidature by way of declaration on email as non-eligible for the said examination on the count that Petitioner has not pursued biology in Class 11th, may be quashed and set aside.

4. Learned counsel for the petitioner states at bar that the petitioner could not succeed in the mathematics exam in the first attempt (academic session 2019-20) because he was unable to appear due to the COVID-19 pandemic. Thereafter, he undertook the supplementary examination in 2020, which he cleared with 'first division', and the mark sheet was issued on 30.09.2020 (Annex.4).

5. Learned AAG submits that the petitioner's candidature was rightly declined as ineligible because, according to the NEET UG (Medical/Dental) Counselling Check List, Sr. No.9 specifically requires "Mark sheets of Class 11 bearing Biology as one of the



subjects (if passed in more than one attempt, all mark sheets are required).” He further submits that the petitioner participated in the counselling process knowingly and completed the checklist, being fully aware at that time that he had not taken Biology in Class 11th. Therefore, the petitioner cannot now contend that the requirement of having Biology in Class 11th was not mandatory.

6. Learned AAG further submits that the petitioner had re-appeared in the Senior Secondary Examination for the academic session 2019-20 and mark-sheet was issued on 30.09.2020, with the additional subject of 'Biology'. However, he had also re-appeared in the compulsory/optional subjects Hindi (compulsory), English (compulsory), Physics, Chemistry, and Mathematics as there is a change in the marks from the earlier mark sheet dated 15.05.2019. He submits that in the academic session 2018-19 the petitioner took the additional subject as Social Service Planning and Social Useful Scheme (Soc. Ser. Plan. Soc. Useful. SCHM.) and when the petitioner re-appeared in the 12th standard examination, he took the additional subject 'Biology'. Learned AAG submits that in case the petitioner had re-appeared in the 12th Standard examination for the academic session 2019-20 only for the additional subject 'Biology' then the petitioner had the eligibility in accordance with the Information Booklet/Public Notice dated 22.11.2023 (Annex.11) but the petitioner has re-appeared in all the subjects compulsory/optional including the additional subject, which makes him ineligible in pursuance to Information Booklet/Public Notice dated 22.11.2023 (Annex.11). He submits that, as per the Public Notice dated 22.11.2023 (Annex.11), the petitioner was required to have the additional subject 'Biology'



after completing the 12th standard and not necessarily in 12th standard itself. Thus, the petition is devoid of any merit, deserves to be dismissed.

7. However, learned AAG fairly submits that the petitioner was permitted to participate in the third round of counselling in compliance of the interim order passed by this Court on 10.10.2025, whereafter he was allotted a seat in a Government Medical College under the EWS category; however, he has not been granted admission.

8. I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

9. It is an admitted fact that the petitioner appeared in the Senior Secondary Examination for the academic session 2018-19 with compulsory and optional subjects including Hindi (compulsory), English (compulsory), Physics, Chemistry, and Mathematics, and an additional subject Social Service Planning and Social Useful Scheme (Soc. Ser. Plan. Soc. Useful. SCHM.). A mark sheet for this examination was issued to the petitioner on 15.05.2019, in which he secured 'first division'. Thereafter, the petitioner, having a strong academic inclination towards medical sciences, reappeared in the Senior Secondary Examination for the academic session 2019-20, with the same compulsory and optional subjects, but taking 'Biology' as an additional subject.

10. As submitted by learned counsel for the petitioner and not disputed by learned AAG, the petitioner could not succeed in the mathematics exam in the first attempt for the academic session 2019-20, because he was unable to appear due to the COVID-19 pandemic. Thereafter, he undertook the supplementary



examination in 2020, which he cleared with 'first division', and the mark sheet was issued on 30.09.2020 (Annex.4). However, it is important to take note of the fact that the Public Notice / Information Booklet do not bar the petitioner from seeking admission in the MBBS course for having appeared in supplementary examination on account of any reason.

11. The respondents have communicated to the petitioner vide email dated 01.10.2025 (Annex.10) that his candidature was not considered for admission to the Government Medical College solely on the ground that he had not studied Biology in Class 11th. However, upon perusal of the Public Notice dated 22.11.2023 (Annex.11), it is clear that there is no mandate requiring a candidate to study Biology in Class 11th. In the Public Notice it is mentioned that the erstwhile Medical Council of India held that the candidates must have undergone 2 years of regular / continuous / coterminous study of the subjects of Physics, Chemistry, Biology / Biotechnology, in Class 11 th & 12th with practical, alongwith English and the said 2 years study was required to be completed from regular schools and not from open schools or as private candidates with a further direction that the study of Biology / Biotechnology or any other requisite subject, could not be completed as an additional subject after passing Class 12th. These guidelines, however, have been amended, in view of a challenge laid before the Delhi High Court and whereafter the said guidelines were quashed and amended guidelines were issued.

12. It is further seen from the Public Notice dated 22.11.2023 that the statutory body National Medical Commission (NMC) had framed the graduate medical education regulations, 2023, while



repealing the earlier regulation on graduate medical education, 1997 including various amendments prospectively, mandating that candidates who have passed 10+2 or its equivalent with the subject of Physics, Chemistry, Biology / Biotechnology and English shall be eligible for appearing in NEET-UG. Thereafter, NMC held the meeting on 14.06.2023 and while taking into consideration the new education policy, which permits great extent of flexibility in the study of various subjects in Class 12th revisited the decision of erstwhile MCI and consciously took a decision that candidates who undertakes studies of requisite subjects Physics, Chemistry, Biology / Biotechnology along with English even as additional subjects after passing Class 12th from duly recognized boards by the concerned government shall be permitted in NEET-UG test and would also be eligible for grant of eligibility certificate.

13. The Information Booklet/Public Notice (Annex.11) issued by the NMC very specifically and unambiguously provide that candidates are permitted to undertake the study of the requisite subjects (Physics, Chemistry, Biology/Biotechnology along with English), even as additional subjects, after passing Class 12th from duly recognized boards by the concerned Government and such candidates shall be permitted to appear in the NEET-UG Test and, consequently, shall be eligible for the grant of the Eligibility Certificate. Relevant paragraphs of the said Information Booklet, being the apposite paragraphs No.2, 6, and 7, are reproduced hereunder:-

“2. The erstwhile Medical Council of India through the provisions of the Regulations on Graduate Medical Education, 1997 including the various amendments, under Chapter-II had regulated the admission & selection to MBBS course. The same



included that candidates must have undergone 2 years of regular / continuous / coterminous study of the subjects of Physics, Chemistry, Biology / Biotechnology, in Class 11th & 12th with practical, alongwith English. The said 2 years study was required to be completed from regular schools and not from open schools or as private candidates. Further, the study of Biology / Biotechnology or any other requisite subject, could not be completed as an additional subject after passing Class 12th.

3 to 5. xxx xxx xxx

6. In the meanwhile, the National Medical Commission has framed the Graduate Medical Education Regulations, 2023 as notified on 02.06.2023. Regulation 11(b) provides that candidates who have passed 10+2 or its equivalent with the subjects of Physics, Chemistry, Biology / Biotechnology & English shall be eligible for appearing in NEET-UG. Therefore, after the framing of Graduate Medical Education Regulations, 2023 the earlier Regulations on Graduate Medical Education, 1997 including the various amendments stand repealed prospectively.

7. The National Medical Commission in its meeting held on 14.06.2023 after detailed deliberations while taking into consideration the New Education Policy, which permits great extent of flexibility in the study of various subjects in Class 12th, decided that the previous approach of the erstwhile Medical Council of India needs to be revisited by permitting candidates to undertaken study of the requisite subjects (Physics, Chemistry, Biology / Biotechnology alongwith English) even as additional subjects after passing Class 12th from duly recognized boards by the concerned Govt. Such candidates shall be permitted to appear in NEET-UG Test and resultantly also be eligible for grant of Eligibility Certificate.”

14. It is abundantly reflected from the Public Notice as well as the Information Booklet that word ‘after’ has been erroneously mentioned instead of ‘at the time of passing class 12th’ while mentioning the requirement of having the requisite subjects Physics, Chemistry, Biology/Biotechnology along with English), even as additional subjects **after** passing class 12th, as a query was also put to the learned AAG that what could be the other





examinations / avenues available to a candidate in order to appear in an examination while taking one of the additional requisite subjects after the candidate passes the class 12th examination. Learned AAG had no clue and a definite answer to the said query and was also not in a position to refute that the word 'after' apparently appears to be wrongly mentioned in the Public Notice as well as the Information Booklet.

15. In continuation with the aforesaid observation, a careful reading of the Public Notice dated 22.11.2023 and the Information Booklet reveals an evident inconsistency in the use of the expression "after passing Class 12th" while describing the eligibility criteria in relation to the study of requisite subjects, namely Physics, Chemistry, Biology/Biotechnology, and English. The context of the regulations, particularly the deliberations of the National Medical Commission in its meeting held on 14.06.2023, clearly indicate that the intention was to allow candidates who had undertaken these subjects as additional subjects at the time of passing Class 12th from duly recognized boards, and not literally after having passed the examination. The usage of the term "after" thus appears to be a drafting error rather than an intentional stipulation, as no practical framework exists for a candidate to pursue an additional Class 12th subject once the qualification has already been awarded by a recognized board. When this anomaly was pointed out during arguments, the learned Additional Advocate General was unable to provide any cogent explanation or identify any examination mechanism that would enable a candidate to study or appear in additional subjects post-passing of Class 12th. The absence of any definite clarification from the



respondents reinforces the interpretation that the word “after” was inadvertently used in place of “at the time of passing Class 12th,” and consequently, such inadvertent misstatement cannot be construed to create an artificial bar upon candidates like the petitioner, who have duly passed the required subjects from recognized boards within the framework of the amended 2023 Regulations.

16. From the above it is abundantly clear that there is no requirement whatsoever to have studied Biology in Class 11th. The only requirement is that the candidate must have passed the requisite subjects i.e. Physics, Chemistry Biology/Biotechnology and English from a recognized board and the petitioner has undisputedly passed the 12th standard examination with the subjects Physics, Chemistry, English and Biology as an additional subject.

17. Further, the respondents have not demonstrated, either through the Information Booklet (Annex.R/1) or the Public Notice dated 22.11.2023 (Annex.11), that the Information Booklet /public notice anywhere mandate the requirement that a candidate must have studied the subject ‘Biology’ in the 11th standard.

18. This Court also takes note of the fact that the respondents, by way of their reply, have placed on record the Information Booklet (Annex.R/1), in which Clause 5, titled ‘Eligibility Criteria,’ has been laid down, which refers to the Public Notice dated 22.11.2023, which reiterates that candidates who have taken the subjects of Physics, Chemistry, Biology/Biotechnology along with English, even as additional subjects after passing Class 12th from



duly recognized boards by the concerned Government, shall be permitted to appear in the NEET-UG Test.

“5. ELIGIBILITY CRITERIA

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In-view of the Public Notice No. U-14021/12/UGMEB-2023 Dated 22.11.2023 issued by National Medical Commission, candidates who have undertaken study of the requisite subjects (Physics, Chemistry, Biology Biotechnology along with English) even as additional subjects after passing Class 12th from duly recognized boards by the concerned Govt. shall be permitted to appear in counselling/admission process.”

19. Thus, there is not an iota of doubt that the petitioner is eligible to take admission in the MBBS course, as the petitioner, along with the optional subjects Physics, Chemistry, and Mathematics, also had Biology as an additional subject in the 12th standard. In view of the aforesaid discussion, the petitioner is found to be having the eligibility of taking the admission in the MBBS course as he fulfills the requirement of having the requisite subjects in accordance with the Information Booklet (Annx.R/1) and Public Notice dated 22.11.2023 (Annex.11).

20. Furthermore, upon thorough consideration, it is manifest that the Public Notice dated 22.11.2023 (Annex.11) and the Information Booklet (Annex.R/1), issued in harmony with the aforesaid Public Notice and the meeting of the National Medical Commission held on 14.06.2023, do not prescribe ‘Biology’ as a compulsory subject in class 11th for the purpose of admission to the MBBS course. The erstwhile regulatory regime, which required continuous study of biology in both class 11th and 12th, has been



repealed by the Graduate Medical Education Regulations 2023 and has no present application. This Court is thus of the considered opinion that the petitioner, having duly passed the subject Biology at the class 12th level from a recognized Board (for the purpose of seeking admission in the MBBS course) — even as an additional subject — fully satisfies the eligibility criteria laid down by the NMC as reflected in the Public Notice dated 22.11.2023.

21. In view of the above and the undisputed merit and eligibility of the petitioner, the rejection of the petitioner's candidature by the respondents solely for want of the subject Biology in class 11th is found to be unjust, arbitrary, and contrary to the decision of the National Medical Commission taken in its meeting held on 14.06.2023. The impugned communication/email dated 01.10.2025 (Annex.10), declaring the petitioner ineligible, is hereby quashed and set aside.

22. Further, the respondents are directed to consider the petitioner's candidature for the document verification process without any further delay preferably within a period of one week from today. As submitted by learned AAG that the petitioner has already been allotted a college as he was permitted to participate in the third round of counseling in compliance of the interim order dated 10.10.2025, therefore the respondents are directed to accord the petitioner admission in the respective college forthwith and permit him to attend classes for the MBBS course. These directions are issued keeping in view the petitioner's fulfillment of the eligibility criteria as per the applicable Information Booklet, thereby ensuring that the petitioner's academic and career



prospects are not adversely affected by the arbitrary decision of the respondents.

23. The writ petition stands allowed accordingly. Pending application(s), if any, stand disposed of.

(DR.NUPUR BHATI),J

37-Sumit/-

