

Landmark Judgement

Case Study: Union of India v. Ganesh Pawar and Ors,
(2023) | NEET-PG 2023



GANESH PAWAR AND VS UNION OF INDIA (20

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The Supreme Court's ruling about the postponement of NEET PG 2023 is included in the **Case Analysis: Ganesh Pawar and Ors v. Union of India, (2023)**.

On Monday, February 27, 2023, the Supreme Court rejected a request from physicians to postpone the National Eligibility Cum Entrance Test (NEET) postgraduate exam, which is scheduled for March 5, 2023. The appeal clearly explains that the petitioners are ready and eager to sit the **NEET-PG 2023–2024 exam**, but it has been contested due to the arbitrary and unfair behavior of the **National Board of Examination. NBE's bad management makes the applicants suffer**. The examination schedule as it is now will not regularize the examination process because the 2023–2024 session cannot be held, NBE announced the examination date without consulting the State Medical bodies, there was insufficient time to prepare in addition to the hectic internship schedules, and timely notification of eligibility was not given.

Case Title: Ganesh Pawar and Ors v. Union of India and Ors

Court: Supreme Court of India

Citation: WP(C) No. 247/2023

Date of Judgment: 27th February 2023

Bench: Justice S. Ravindra Bhat and Justice Dipankar Datta

The case's facts

The NEET PG Exam was not postponed by the **Telangana State High Court Division Bench. Medical students who graduated in 2021–2022** were accused of not having enough time to prepare for entrance exams before the High Court. The petitions pertaining to admission to postgraduate programs in medical and dental sciences were resolved by the High Court's joint ruling on February 15, 2023. The petitioner students were directed to present fresh justifications for postponing the NEET exam. After receiving such a representation, the court decided that the respondents "must consider and adopt relevant orders in accordance with law as speedily as practicable, taking in mind that Entrance Examination is scheduled to be held in the first week of March 2023."

It was argued before the High Court that the petitioners were first barred from taking the NEET PG exam, despite the fact that their internship is set to conclude on August 11, 2023, and their MBBS course was completed for the academic year 2021–2022. The National Board of Examination in Medical Science set the deadline for the NEET PG exam at March

31, 2023, so those who had completed their internships by that date or earlier were eligible to take the examination. **The NEET PG test application deadline was eventually extended from March 31, 2023, to June 30, 2023, and then again to August 11, 2023, in response to objections.**

The petitioners have asked the High Court to postpone the **March 5 NEET PG exam for a reasonable period of time so that they can prepare for it.** In response, the National Medical Commission stated that the NEET admission notification had been issued in September 2022, that the NEET P.G. examination was scheduled for March 5, 2023, and that any delay in the examinations would cause chaos across the country.

The court was also informed that every attempt would be taken to guarantee that all candidates who had finished the MBBS/BDS course were eligible for the forthcoming academic year and that students would have every chance to prepare for and take the test.

Problems with

The petitioners challenge the National Board of Examination's (NBE) decision to notify applicants of the revised qualifying requirements as late as February 7, 2023, in petitions filed through Attorney Charu Mathur and Dubey Law Associates. In addition to not giving them enough time to prepare for the exam, which is scheduled for March 5, 2023, the petitioners contend that the act is arbitrary and unreasonable.

Mukul Rohatgi, the senior attorney for the petitioners, contended that the issue stems from the fact that internship schedules vary by state. If the counseling was to take place after August, the senior counsel questioned why the exam couldn't be rescheduled by a few weeks.

On behalf of the NBE, Additional Solicitor General Aishwarya Bhati stated that around 2.09 lakh applicants have registered. A technology partner whose services have been hired to deliver the examinations; if the exams are postponed, possible dates may not be available anytime soon because the technology partner may not be available.

Evaluation

The panel had set the matter's most recent hearing for **February 27 in order to obtain the National Board of Examinations' response.** On Monday, the Supreme Court rejected a request by seventeen physicians to postpone the National Eligibility Cum Entrance Test (NEET) postgraduate exam, which is scheduled for March 5, 2023. A bench consisting of

Justices S. Ravindra Bhat and Dipankar Datta refused petitions from candidates who claimed they had less time to study for exams because their internships were still ongoing.

The bench noted, "**When we postpone a judicial exam**, there is agony for the candidates who are preparing for it. For those who are waiting for this (examination), it is really a mental torture." The dynamics are completely altered.

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