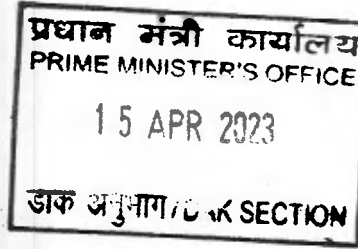


To

29



12.04.2023

Respected Shri Narendra Modi Ji,
Hon'ble Prime Minister of India,
152, South Block,
Raisina Hill,
New Delhi-110011

P/16 / MOHFW
(19)

Sub: Help remove Confusion among Indian Medical Students Studying from Ukraine

Respected Madam,

This has reference to the Notification available on the website of Indian Embassy, Kiev, Ukraine at <https://www.eoiukraine.gov.in/pdf/press%20release%20USQE.pdf> that says the Government of Ukraine is going to conduct various examinations in India for Indian Medical students studying online in various medical universities of Ukraine (Annexure Page 1).

Another point of reference is the recent judgment by the Hon'ble Supreme Court (Annexure - Page 2 to page 10) about Foreign Medical Graduates qualifying their final year examinations to be conducted or organized by Government of India or the National Medical Commission in 2 attempts.

Question arises - Where is the confusion I am talking about?

The students completing medical education in Ukraine are worried as to what they shall do.

Shall they appear for the examinations being conducted by The Government of Ukraine or the examination being conducted by the Ministry of Health & Family Welfare and the National Medical Commission?

Here I want to submit that since the Government of Ukraine is ready to conduct examinations of Indian Medical students in India.

I believe it will be better for the National Medical Commission to coordinate with the Government of Ukraine through the Embassy of India in Kiev, Ukraine for the same **in the interest of not only students but in the interest of the country** and let coordinate and HELP SUPPORT the Government of Ukraine conduct the examinations in India as desired by them.

Since the above order has been issued by the Hon'ble Supreme Court, formalities to take permission if needed can be done by the Ministry of Health & Family Welfare and the National Medical Commission.

As is mentioned that the students will have to undergo 1 year free and 1 year paid internship.

I believe it will be better if possible for the Ministry of Health & Family Welfare and the National Medical Commission the students instead of 1 year paid internship be asked to FIRST attend 1 year of paid practical training of relevant subjects of offline classes they missed in various medical, dental and nursing colleges of India; Followed by 1 year of free internship. That will reduce the deficiency of practical knowledge among the students.

Hope my letter will be taken into consideration while issuing the final notification and procedures by the Ministry of Health & Family Welfare and the National Medical Commission.

Sincerely Yours,

Ravi Kumar Koul
Plot No 21;
Pocket 1; Ground Floor;
Ramprastha Greens,
Sector 7; Vaishali,
Ghaziabad;
Uttar Pradesh
INDIA Pin 201010

Mobile & WhatsApp Number **+91 9999155591**
EMAIL koulravikumar@gmail.com

Enclosures – 10 pages

CC by Email to -

Dr. S. Jaishankar
External Affairs Minister,
Republic of India; Bhārat Gaṇarājya

eam@mea.gov.in

Dr. Aruna V. Vanikar
President, Undergraduate Medical Education Board
National Medical Commission
Pocket- 14, Sector – 8, Dwarika Phase -1,
New Delhi – 110077, INDIA

ug@nmc.org.in

The Embassy of India,
20B Maksym Berlinskyi Street,
Kyiv, Ukraine, 02000

cons1.kyiv@mea.gov.in

ANNEXURE. (1)



सत्यमेव जयते

EMBASSY OF INDIA, KYIV

PRESS RELEASE

Government of Ukraine adopted a Resolution allowing conduct of Unified State Qualification Exam (USQE) outside Ukraine

Considering that many students undergoing medical education in Ukraine were forced to leave Ukraine and are currently unable to return because of the current security situation and martial law imposed in the country, the Government of Ukraine has adopted a decree (<https://cutt.ly/A42q043>) on 28 March 2023 "On amendments to the procedure for conducting a Unified State Qualification Exam (USQE) for graduates of Master's Degree in Healthcare", which will allow students to take the USQE outside of Ukraine in places of their permanent residence/temporary stay during the period of martial law.

The USQE includes following examinations:

- Integrated Test Exam "KROK";
- Objective Structured Practical (Clinical) Exam; and
- Professional English Language Exam.

The aforesaid decree will give an opportunity to the students living outside Ukraine to take KROK Examination at testing centers recognized by the State Non-Profit Enterprise "Testing Board for Professional Competence Assessment of Higher Education Trainees in Medicine and Pharmacy at the Ministry of Public Health of Ukraine", in the respective countries of their stay, including India, and in respect of students who are in Ukraine - at the domestic institutions of higher education.

March 31, 2023

Place: Kyiv

ITEM NO.40

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 607/2022

ARCHITA & ORS.

Petitioner(s)

VERSUS

NATIONAL MEDICAL COMMISSION & ORS.

Respondent(s)

(IA No. 129608/2022 - INTERVENTION/IMPLEADMENT
IA No. 126974/2022 - INTERVENTION/IMPLEADMENT
IA No. 126953/2022 - INTERVENTION/IMPLEADMENT)

WITH

W.P.(C) No. 183/2022 (PIL-W)

(IA No. 41712/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C) No. 725/2022 (X)
(FOR ADMISSION)

W.P.(C) No. 713/2022 (X)
(IA No. 135049/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 777/2022 (X)
(IA No. 135763/2022 - EXEMPTION FROM FILING AFFIDAVIT)

W.P.(C) No. 171/2022 (PIL-W)
(IA No. 36593/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 38377/2022 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 1038/2022 (X)

W.P.(C) No. 746/2022 (X)
(IA No. 129493/2022 - EXEMPTION FROM FILING O.T.
IA No. 137014/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 879/2022 (X) (FOR ADMISSION)

W.P.(C) No. 867/2022 (X)
(IA No. 149221/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 172248/2022 - INTERVENTION/IMPLEADMENT
IA No. 179186/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 25/2023 (X)

(FOR STAY APPLICATION ON IA 4606/2023)

Valid
Digitally signed by
Narendra Prasad
Date: 2023.04.26
17:02:18
Reason:

3

- IA No. 4606/2023 - STAY APPLICATION)
- W.P.(C) No. 58/2023 (X) (FOR ADMISSION)
- W.P.(C) No. 708/2022 (X) (FOR ADMISSION)
- W.P.(C) No. 761/2022 (X) (FOR ADMISSION)
- W.P.(C) No. 377/2022 (PIL-W) (FOR ADMISSION)
- W.P.(C) No. 618/2022 (X)
(IA No. 136348/2022 - INTERVENTION/IMPLEADMENT
IA No. 127925/2022 - INTERVENTION/IMPLEADMENT)
- W.P.(C) No. 620/2022 (X)
- W.P.(C) No. 587/2022 (X)
(IA No. 127054/2022 - INTERVENTION APPLICATION)
- W.P.(C) No. 631/2022 (X)
- W.P.(C) No. 625/2022 (X)
(IA No. 135452/2022 - INTERVENTION APPLICATION)
- W.P.(C) No. 630/2022 (X)
(IA No. 119868/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)
- W.P.(C) No. 667/2022 (X)
(IA No. 142073/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 142070/2022 - INTERVENTION/IMPLEADMENT
IA No. 135694/2022 - INTERVENTION/IMPLEADMENT)
- W.P.(C) No. 679/2022 (X)
- W.P.(C) No. 689/2022 (X)
(IA No. 120707/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)
- W.P.(C) No. 880/2022 (X)
(FOR ADMISSION and IA No.151124/2022-GRANT OF INTERIM RELIEF and IA
No.172598/2022-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 28-03-2023 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)

(4)

Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Rashmi Nandakumar, AOR
Ms. Remya Raj, Adv.

Mr. S. Nagamuthu, Sr. Adv.
Mr. M.p. Parthiban, AOR
Ms. Priyaranjani Nagamuthu, Adv.
Mr. A.s.vairawan, Adv.
Mr. R. Sudhakaran, Adv.
Mr. Amod Bidhuri, Adv.
Ms. Shalini Mishra, Adv.
Mr. T. Hari Hara Sudhan, Adv.
Mr. G.r. Vikash, Adv.
Mr. Bilal Mansoor, Adv.
Mr. K.deivendran, Adv.
Mr. D. Alagendren, Adv.
Mr. M.a. Aruneshe, Adv.

Mr. R. Basant, Sr. Adv.
Mr. Raghenth Basant, Adv.
Mr. M.F. Philip, Adv.
Ms. Roopali Lakhotia, Adv.
Mr. Karamveer Singh Yadav, Adv.
Ms. Purnima Krishna, AOR

Mr. Ashok Kumar Sharma, Sr. Adv.
Mr. Ravi Sikri, Sr. Adv.
Mr. Vikalp Mudgal, AOR
Mr. Kshitij Mudgal, Adv.
Mr. Abhinav Garg, Adv.
Mr. Ashish Kumar Chaurasiya, Adv.

Mr. C. Mohan Rao, Sr. Adv.
Mr. Ramesh Allanki, Adv.
Mrs. Aruna Gupta, Adv.
Mr. Syed Ahmad Naqvi, Adv.
Mr. Harsh Anand, Adv.
M/S. Ramesh Allanki And Associates, AOR

Mr. Anoop Prakash Awasthi, AOR

Mr. Vineet Bhagat, AOR
Ms. Manju Bhagat, Adv.
Mr. Mohit Gulati, Adv.

Mr. K. Rajeev, Adv.
Mrs. Nivedita R. Menon, Adv.
Mr. Shinoj K Narayanan, Adv.
Mr. Aditya Verma, Adv.
Mr. A. Karthik, AOR

Mr. Pramod Kumar Dubey, Adv.
Mr. Rahul Shyam Bhandari, Adv.
Mrs. Priyadharshni G., Adv.
Mr. Rohit Prakash, Adv.
Mr. Prateek Mathur, Adv.
Mr. Amit Singh Rathore, Adv.
Ms. Pinky Dubey, Adv.
Mr. Satyam Pathak, Adv.
Dr. Ratneswar Chakma, Adv.

Mr. Rahul Shyam Bhandari, AOR

Ms. Bina Madhavan, Adv.
Ms. Sweena Nair, Adv.
Ms. Sanjana Nair, Adv.
M/S. Lawyer S Knit & Co, AOR

Mr. R. Sathish, AOR
Mr. Sherry George Cherian, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Mohan Das Kk, Adv.
Mr. Mathen Joseph, Adv.
Mrs. S. Geeta, Adv.

Mr. A Deb Kumar, Adv.
Mrs. A Deepa, Adv.
Mr. Subash Ch. Sabat, Adv.
Mr. Sudhakar Dwivedi, Adv.
Mr. Sudarsh Menon, AOR

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Ashwarya Sinha, AOR
Ms. Shubhi Sharma, Adv.
Ms. Priyanka Sinha, Adv.
Mr. Aditya Malhotra, Adv.

Ms. Lubna Naaz, AOR
Ms. Aadya Mishra, Adv.

Mr. Shivam Singh, Adv.
Ms. Shaswati Parhi, Adv.
Mr. Gopal Singh, AOR

Mr. Manoj V George, Adv.
Ms. Shilpa Liza George, AOR
Mr. Km Vignesh Ram, Adv.
Mr. Nasib Masih, Adv.
Ms. Darshna Nair, Adv.
Ms. Akshita Agarwal, Adv.

Petitioner(s)-in-person

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Mr. K.v.jagdishvaran, Adv.
Mr. Gandeepan, Adv.
Mr. Harnaman Singh, Adv.
Mr. Ashwini Kumar, Adv.
Ms. G. Indira, AOR

Mr. Mandeep Kalra, AOR
Ms. Radhika Narula, Adv.
Ms. Divya Singh Pundir, Adv.
Ms. Kanak Malik, Adv.
Mr. Rishabh Lekhi, Adv.
Ms. Tanya Singh, Adv.
Ms. Anushna Satapathy, Adv.

Mr. Akbar Siddique, AOR
Mr. Malik Javed Ansari, Adv.
Mr. Animesh Mishra, Adv.
Mr. Hasan Zaidi, Adv.
Mr. M Fareed Siddiqui, Adv.
Mr. Abhishek Singh, Adv.

Ms. Neeha Nagpal, Adv.
Mr. Malak Manish Bhatt, AOR
Ms. Samridhi, Adv.
Ms. Supriya Julka, Adv.

For Respondent(s)

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Swati Ghildyal, Adv.
Mr. Mayank Pandey, Adv.
Ms. Bani Dikshit, Adv.
Mr. Prashant Singh - I, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Bhuvan Kapoor, Adv.

Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Chanchal Kumar Ganguli, AOR
Mr. Shashwat Panda, Adv.
Ms. Simran Singh, Adv.
Mr. Aniket Gupta, Adv.

Mr. Rahul Verma, A.A.G.

Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Paranjay Thripathi, Adv.

Mr. James P. Thomas, AOR

7

Mr. K. K. Vinosh, Adv.
Mr. Ravi Sagar, Adv.
Mr. Alok Kr Prasad, Adv.

Mr. Shubhranshu Padhi, AOR
Mr. Vishal Banshal, Adv.
Ms. Rajeshawari Shankar, Adv.
Mr. Niroop Sukirithy, Adv.
Mr. Saurabh Trivedi, AOR

Mr. Samar Vijay Singh, AOR
Mr. Keshav Mittal, Adv.
Ms. Amrita Verma, Adv.
Ms. Sabarni Som, Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Abraham C. Mathew, Adv.
Mr. Alim Anvar, Adv.

Mr. Amit Anand Tiwari, A.A.G.
Dr. Joseph Aristotle S., AOR
Mr. Shobhit Dwivedi, Adv.
Ms. Devyani Gupta, Adv.
Ms. Tanvi Anand, Adv.
Ms. Saushriya Havelia, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

Mr. P. Soma Sundaram, AOR
Mr. Navin Prakash, AOR
Mr. Satish Pandey, AOR

Mr. Manish Vashishtha, AOR
Mr. Vivek Kumar Singh, Adv.
Mr. Upender Thakur, Adv.
Mr. Yasheshvi Vashishtha, Adv.

Mr. Prashant Padmanabhan, AOR

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

W.P.(C) No. 25/2023 (ITEM NO.40.10)

1. The only grievance of the petitioners in this petition is that some of the petitioners would be required to undergo one more year of internship so as to enable them to practice in India.

2. Mr. Shivam Singh, learned counsel for the petitioners, submits that some of the petitioners have already undergone one year of internship. The course to be undertaken in the second year of internship is also identical with the first year of internship.

3. We find that the requirement of undergoing one more year of internship cannot be said to be arbitrary or unreasonable.

4. The writ petition is, accordingly, dismissed.

5. Pending application(s), if any, shall stand disposed of.

W.P.(C) No. 667/2022 & W.P.(C) No.679/2022 (ITEM NOS.40.21 & 40,22)

1. The grievance of the petitioners is that they being enrolled in foreign universities in medical courses, are attending online classes. It is submitted that for the first four years there is no requirement of clinical training and that is required only in the fifth and sixth year of the course.

2. Shri Ravi Sikri, learned senior counsel appearing for the petitioners, submits that in the affidavit filed by the Central Government there is no provision for such students.

3. We find that the grievance is totally pre-mature in nature, inasmuch as only after the petitioners complete their MBBS course and have a degree of MBBS from the respective foreign universities, the question whether they are entitled to appear for Foreign Medical Graduates Examination (FMGE) or not would arise.

4. We do not find it necessary to consider the said question at this stage.

5. Insofar as the students who were required to leave the studies in the penultimate year are concerned, the affidavit filed by the

Union of India dated 27.03.2023 takes care of such students. (9)

6. With the aforesaid observations, these petitions stand disposed of.

7. Pending application(s), if any, shall stand disposed of.

REST OF THE MATTERS

1. As already observed in our earlier order dated 09.12.2022, in normal circumstances we would not have entertained such petitions. However, taking into consideration a precarious situation, where the career of hundreds of students would have come to a standstill, the present petitions were treated as extraordinary petitions and this Court had passed an order directing the Committee appointed by the Union of India to examine the issue and come with some solutions.

2. An affidavit dated 27.03.2023, on behalf of the Union of India, along with the brief note about the three meetings held by the Committee, as annexure in that affidavit, has been handed over in Court by Ms. Aishwarya Bhati, learned Additional Solicitor General of India, which is taken on record.

3. Though we do not find it appropriate to interfere with the decision of the experts, there is one area of concern, which, in our view, requires consideration. The embargo of having an opportunity to appear only in one attempt, in our view, may in some circumstances appear to be too harsh. There could be certain circumstances beyond the control of the student, which may prevent him/her from appearing in the examination or passing the said

examination.

4. Ms. Aishwarya Bhati, learned Additional Solicitor General of India as well as Mr. Gaurav Sharma, learned counsel appearing for the NMC, fairly submit that they are not treating this litigation as an adversarial litigation. They submit that if the Court finds that the said restriction is unreasonable, they leave it to the Court to pass appropriate directions.
5. We, therefore, accept the report of the Committee, subject to a minor modification in paragraph 5(1) of the Compliance Affidavit dated 27.03.2023 by the Union of India. In the said paragraph 5(1), the words "The students may be offered a single chance to clear the MBBS Final, both Part I & Part II Examinations (Both Theory and Practical)" be read as "The students may be offered two chances to clear the MBBS Final, both Part I & Part II Examinations (Both Theory and Practical)".
6. We clarify that the two chances would be both for Part I as well as Part II examinations, each.
7. With the above observations and directions, these petitions stand disposed of.
8. Pending applications, including applications for impleadment/intervention shall stand disposed of.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

Details for registration number : PMOPG/D/2023/0080-68

| | |
|---|---|
| Name Of Complainant | Shri RAVI KUMAR KOUL |
| Date of Receipt | 15/04/2023 |
| Received By Ministry/Department | Prime Ministers Office |
| Grievance Description | |
| STS | |
| Current Status | Under process |
| Date of Action | 19/04/2023 |
| Officer Concerns To | |
| Officer Name | Shri Samsul Haque (Deputy Secretary) |
| Organisation name | Health & Family Welfare |
| Contact Address | Room No. 432, C Wing, Nirman Bhawan New Delhi |
| Email Address | samsul.haque@nic.in |
| Contact Number | 01123061675 |
| Print Close | |

Details for registration number : PMOPG/D/2023/0080-68

| | |
|---|---|
| Name Of Complainant | Shri RAVI KUMAR KOUL |
| Date of Receipt | 15/04/2023 |
| Received By Ministry/Department | Prime Ministers Office |
| Grievance Description | |
| STS | |
| Current Status | Under process |
| Date of Action | 20/04/2023 |
| Officer Concerns To | |
| Officer Name | Ms.Kokila Jayaram (Joint Director) |
| Organisation name | Deputy Secretary S.S. |
| Contact Address | Room No.309-D Wing,Nirman Bhawan, Maulana AzadRoadNew Delhi |
| Email Address | kokila.jayaram@nic.in |
| Contact Number | 01123063523 |
| Print Close | |

Details for registration number : PMOPG/D/2023/0080-68

| | |
|---|---------------------------------|
| Name Of Complainant | Shri RAVI KUMAR KOUL |
| Date of Receipt | 15/04/2023 |
| Received By Ministry/Department | Prime Ministers Office |
| Grievance Description | |
| STS | |
| Current Status | Under process |
| Date of Action | 25/05/2023 |
| Officer Concerns To | |
| Officer Name | Shambhu Sharan Kumar (Director) |
| Organisation name | UGMEB |
| Contact Address | Sector-8, Dwarka Delhi |
| Email Address | kumar.ss@nic.in |
| Contact Number | 01125367025 |
| <input type="button" value="Print"/> <input type="button" value="Close"/> | |

Details for registration number : PMOPG/D/2023/0080-68

| | |
|---|---------------------------------|
| Name Of Complainant | Shri RAVI KUMAR KOUL |
| Date of Receipt | 15/04/2023 |
| Received By Ministry/Department | Prime Ministers Office |
| Grievance Description | |
| STS | |
| Current Status | Case closed |
| Date of Action | 01/06/2023 |
| Remarks | |
| Clarification cannot be given on the judgment of Supreme Court of India. Kindly send a separate email for such clarification which needs proper examination. This portal is meant for grievances to the sorted out. | |
| Rating | <input type="text" value="1"/> |
| Rating Remarks | NotSatisfied |
| Appeal Details | |
| Appeal Number | DHLTH/C/A/23/0000507 |
| Date of Receipt | 01/06/2023 |
| Appeal Text | NotSatisfied |
| Current Status | Appeal Received |
| Officer Concerns To | |
| Officer Name | Shambhu Sharan Kumar (Director) |
| Organisation name | UGMEB |
| Contact Address | Sector-8, Dwarka Delhi |
| Email Address | kumar.ss@nic.in |
| Contact Number | 01125367025 |
| <input type="button" value="Print"/> <input type="button" value="Close"/> | |