

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE

&

HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.6808 OF 2023

(Through physical mode)

Mekala Hima Anvitha D/o Mekala Naga

.. Petitioners

Versus

Union of India, Ministry of Health
and Family Welfare, Represented by its
Secretary, Nirman Bhawan, New Delhi-110011,
and others.

...Respondents

* * *

ORAL ORDER

Dt:20.03.2023

(per Prashant Kumar Mishra, CJ)

1. This writ petition would call in question the constitutional validity of Regulation 4(1) of the Medical Council of India Regulations on Graduate Medical Education, 1997.

2. According to the petitioners, fixation of minimum age of 17 years as eligibility criteria to appear for National Eligibility-cum-Entrance Test (NEET) under Regulation 4(1) of the Medical Council of India Regulations, is violative of Articles 14, 19 and 21 of the Constitution of India and therefore, the said Regulation has to be struck down.

3. The issue in the present writ petition is no longer *res integra* as the same has been considered time and again by the composite High Court of Judicature at Hyderabad, firstly in the case of **Master Alli Sai Deepak v. The Government of Andhra Pradesh Rep., by its Principal Secretary, Higher Education Department and others**, reported in **2013(4) ALT 643** and thereafter, in the case of **Kandula Yamini Saraswathi v. Union of India Rep., by its Secretary, Government of India, Medical and Health Department, New Delhi and others**, reported in **(2017) 2 ALT 101**.

4. In the judgment rendered in **Master Alli Sai Deepak** (supra), it was clearly held by a Division Bench that fixation of minimum age of 17 years as eligibility criteria to participate in the subject examination does not offend the equality clause of Article 14 of the Constitution of India. The said judgment has been followed by another Division Bench subsequently in the matter of **Kandula Yamini Saraswathi** (supra).

5. Since the issue raised in the present writ petition has already been considered and decided, this Court is of the view that this writ petition is not maintainable.

6. Accordingly, this Writ Petition is dismissed. No costs. All the pending miscellaneous applications shall stand closed.

PRASHANT KUMAR MISHRA, CJ

R. RAGHUNANDAN RAO, J

Note:
Issue C.C. today
B/o
Nn.

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