

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE SUSHRUT ARVIND DHARMADHIKARI

&

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

MONDAY, THE 1ST DAY OF DECEMBER 2025 / 10TH AGRAHAYANA, 1947

WA NO. 2321 OF 2025

AGAINST THE JUDGMENT DATED 23.07.2025 IN WP(C) NO.42885
OF 2024 OF HIGH COURT OF KERALA

APPELLANT(S)/RESPONDENT NO.2:

KERALA STATE MEDICAL COUNCILS
COMBINED COUNCIL BUILDING, RED CROSS RD, JAI VIHAR,
KUNNUKUZHY, THIRUVANANTHAPURAM, KERALA, REPRESENTED
BY ITS REGISTRAR, PIN - 695035

BY ADVS.
SHRI.VIVEK MENON
SRI.N.RAGHURAJ (SR.)

RESPONDENT(S)/EPTITIONERS ADN RESPONDENTS 1 & 3:

- 1 DALEEL AHMMED
AGED 27 YEARS
S/O. MUHAMMED HANEEFA K., KAPPIL, ALANALLUR-II,
PALAKKAD, KERALA, PIN - 678601
- 2 ASLAH S
AGED 26 YEARS
S/O MUHAMMED SHERIFF S., SANKETHETHIL, PULASSERY,
KOPPAM, PALAKKAD, KERALA, PIN - 679307
- 3 VISHNU AJITH KUMAR
AGED 24 YEARS
S/O. AJITH KUMAR, SOPANAM, VALIYANNUR, VARAM,
KANNUR, KERALA, PIN - 670594
- 4 MOHAMMED SHAKIR
AGED 25 YEARS
S/O. ALASSAN KUTTY P, PARAKKUNDIL HOUSE,
CHEENIKKAL, VALLUVAMBRAM,POOKKOTTUR, VALLUVAMBRAM,
MALAPPURAM, KERALA, PIN - 673642



- 5 RISHAD ALI P
AGED 25 YEARS
S/O MOHAMMED ALI PARAASSERI, PARASSERI HOUSE,
KONDOTTY, THURAKKAL, MALAPPURAM, KERALA, PIN - 673638
- 6 ASHIKA C S
AGED 25 YEARS
D/O C.P SUBRAMANIAN, CHAYAMPURATH, VALLATHAIPARA,
ALLY, VALLATHAIPARA, KUMARANALLUR, KOZHIKODE, KERALA,
PIN - 673602
- 7 ANOOJ SUHAIL
AGED 26 YEARS
S/O ABDUL RAHMAN, KIZHAKKETHIL HOUSE, PAYYANADAM,
PALAKKAD, KERALA, PIN - 678583
- 8 AHMED RIZWAN
AGED 26 YEARS
S/O MUHAMMAD IQBAL V, VAZHAPPAROL, CHELANNUR, PALATH,
KOZHIKODE, KERALA, PIN - 673611
- 9 NATIONAL MEDICAL COMMISSION
POCKET- 14 , SECTOR - 8, DWARKA PHASE -1, NEW DELHI,
REPRESENTED BY ITS SECRETARY, PIN - 110077
- 0 DIRECTOR OF MEDICAL EDUCATION
MEDICAL COLLEGE, MEDICAL COLLEGE KUMARAPURAM RD,
CHALAKKUZHI, THIRUVANANTHAPURAM, KERALA, PIN - 695011

BY ADV SHRI.K.S.PRENJITH KUMAR, SC, NATIONAL MEDICAL
COMMISSION

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25.11.2025, THE COURT ON 01.12.2025 DELIVERED THE FOLLOWING:



**SUSHRUT ARVIND DHARMADHIKARI
&
P.V. BALAKRISHNAN, JJ.**

.....
W.A.No.2321 of 2025

.....
Dated this the 1st day of December 2025

JUDGMENT

P.V. Balakrishnan, J.

This *intra-court* appeal is filed by the 2nd respondent in W.P. (C)No.42885 of 2024, challenging the judgment dated 23.07.2025, allowing the writ petition filed by respondent Nos. 1 to 8 herein.

2. W.P.(C)No.42885 of 2024 is filed by respondent Nos. 1 to 8 herein/ writ petitioners seeking the following reliefs.

"1. To issue a Writ Of Mandamus, Writ Order or Direction, commanding the 2nd and 3rd respondents to process the registration application of Petitioners, within a reasonable time as fixed by this Hon'ble Court;

2. To issue a Writ of Mandamus, Writ Order or Direction, declaring that 'Clerkship' is not required as per Exhibit P21 when Petitioner FMG students have compensated their online classes with physical classes in their parent institutions as directed by 1st respondent;

3. To issue a Writ of Mandamus, Writ Order or Direction, commanding the 2nd and 3rd respondent to publish the list of vacancies available for FMG students for CRMI on a monthly



basis and to allot the openings to the FMG students subject to them fulfilling all the conditions as per law."

3. Respondent Nos. 1 to 8/writ petitioners are Foreign Medical Graduates (hereinafter referred to as 'FMG' for short) who have completed the medical course in China. They joined the medical course during the 2017-2018 period, and during COVID, they continued their studies through online mode from India. The National Medical Commission (hereinafter referred to as 'NMC' for short) permitted online classes during the COVID pandemic, provided that, the same is compensated by physical and practical training in the parent institutes. The Kerala State Medical Council also directed such students to follow the instructions of the National Medical Commission. Following the instructions, respondent Nos.1 to 8 traveled back to China after COVID and completed their compensatory classes, for the period of classes lost during the COVID period. Thereafter, they obtained a graduation certificate, passed the Foreign Medical Graduate Examination (hereinafter referred to as 'FMGE', for short) and applied for provisional registration in Kerala with the Kerala State Medical Council. But the National Medical Commission and the Kerala State Medical Council illegally and



arbitrarily denied registration to respondent Nos. 1 to 8, by mandating a compulsory clinical clerkship program in lieu of online classes, which has already been compensated by them. Though multiple representations were made and meetings were held, the National Medical Commission and the Kerala State Medical Council are continuing to illegally and arbitrarily withhold the registration process of respondent Nos. 1 to 8, thereby, preventing them from applying for the Compulsory Rotating Medical Internship (hereinafter referred to as 'CRMI' for short). It is aggrieved by the non-granting of provisional registration and challenging the direction to undergo the clinical clerkship program; respondent Nos. 1 to 8 filed the writ petition seeking the afore reliefs.

4. The learned Single Judge, on an appraisal of the materials on record and hearing both sides, allowed the writ petition. The operative portion of the judgment reads as follows:

"17. It is the specific case of the petitioners herein that they had traveled back to China and completed their compensatory classes. If they have completed the compensatory classes, then the 2nd respondent cannot take a stand that the petitioners have to undergo a two year Clinical Clerkship. Going by the statement made by the 1st respondent NMC, the petitioners are entitled to exemption from two year internship and they need to



complete only one year CRMI since they have adequately compensated for the online classes by subsequently attending in an offline mode. The 2nd respondent in such circumstances will not be justified in imposing a two year Clinical Clerkship upon the petitioners even though the State Medical Councils are competent to assess the eligibility of the petitioners independently.

18. The petitioners are therefore entitled to relief. It is declared that "Clinical Clerkship" is not required for the petitioners as they have compensated their online classes with physical classes in their parent institutions as directed by the 1st respondent. Respondents 2 and 3 are directed to process the registration application of the petitioners and pass appropriate orders/take appropriate decision within a period of six weeks."

5. Heard Sri. N. Raghuraj, the learned Senior Counsel appearing for the appellant, Sri. Santhosh Mathew, the learned Senior Counsel appearing for respondent Nos. 1 to 8, Sri. K.S.Prenjith Kumar, the learned Standing Counsel for Respondent No. 9, and Sri. Tela Chand V, the learned Government Pleader appearing for the 10th respondent.

6. The learned Senior Counsel for the appellant submitted that respondent Nos. 1 to 8, who did their medicine in China, had joined the course during 2017-2018 and while undergoing the course, COVID struck and for about 3 years, were not able to attend classes



physically. He submitted that during this period respondent Nos.1 to 8 attended online classes for theory from India, and thereafter, during 2022-2023 went back to China and allegedly attended compensatory classes for periods varying from 4 to 6 months. He also submitted that it is only because of the fact that the compensatory classes attended by respondent Nos.1 to 8 were inadequate/insufficient, considering the fact that no compromise can be made in the standards of medical education and public interest, they were directed to undergo a 1-year clinical clerkship and thereafter, to undergo a 1-year CRMI. He, by relying on Exts.P20 and P21, public notices issued by the National Medical Commission, submitted that it is only in cases where the students have sufficiently compensated classes in physical mode for the online classes undergone, they will be eligible for getting registration. He further submitted that a decision has already been taken on this aspect, as per Exhibit R2(a) dated 19.09.2024 and therefore, respondent Nos.1 to 8 cannot be exempted from it. He also relied on Annexure A1 clarification issued by the National Medical Commission to a query raised by the Government of Andhra Pradesh, to contend that the term "sufficiently compensated" used in Exhibit P21 notice means an equal duration of



the courses studied by online mode and that respondents 1 to 8 have not undergone courses of equal duration. He further contended that as per Annexure A1, the online period of any duration in one academic year cannot be compensated along with the academics of another year, without extension of the study period and therefore respondent Nos.1 to 8, who have undergone compensatory classes along with the academics of next year, cannot be considered to have sufficiently compensated the online classes. He argued that it is the appellant who is the competent authority to assess the eligibility of respondent Nos.1 to 8 and it has after considering these facts, directed them to undergo clinical clerkship. He further submitted that the learned Single Judge did not consider any of these relevant aspects and erred in holding that clinical clerkship is not required for respondent Nos. 1 to 8.

7. *Per contra*, the learned senior counsel appearing for respondent Nos.1 to 8 supported the impugned judgment and contended that there are no grounds to interfere with the same. He submitted that respondent Nos.1 to 8 are not liable to undergo both clinical clerkship and internship since, they have already passed the medical course, obtained their certificate, done one year of internship



in China, and thereafter, qualified FMGE. He submitted that for the period during which respondent Nos.1 to 8 attended theory classes through online mode, they have compensated it by attending physical classes after returning to China. He also submitted that the certificates issued by the Universities in China, including the compensatory certificates, has been verified by the authorities through the Embassy, and therefore, the appellant is not justified in imposing a one-year clinical clerkship upon them. He argued that since respondent Nos.1 to 8 have fulfilled all the conditions, as stipulated in Clause (x) of Exhibit P16, the only option available to the State Medical Council is to grant provisional registration. He also relied on an unreported decision of the High Court of Andhra Pradesh in **Katta Vamsi V. The Andhra Pradesh Medical Council and others** dated 09.07.2025 in W.A.No.603 of 2025 in support of his afore contentions. He contended that Annexure A1 document produced along with IA No.1 of 2025 is only a communication issued to the Andhra Pradesh Government, and therefore, no reliance can be placed upon it. He further contended that the National Medical Commission has not mandated clinical clerkship, and therefore, the State Medical Council cannot arbitrarily impose such a condition.



8. The learned Counsel appearing for the 9th respondent submitted that registration of the medical graduates is within the domain of the State Medical Councils, and they are supposed to assess the eligibility of the applicants independently. He also submitted that in cases where there was a breakup in studies of students who were undergoing medical courses abroad due to pandemic/war, the National Medical Commission has already issued public notices stating that they have to undergo two years clinical clerkship as per Annexure R1(a) and R1(b) and subsequently, has also issued Annexure R1(d) making compensatory classes mandatory.

9. Before delving into the rival contentions raised in this case, it would be better to get a clear picture of the status of each of the students, i.e., respondent Nos.1 to 8, regarding the year of their course, the period of break, the period during which they attended compensatory classes, the period of internship, etc.

Name	Duration of Course	Period of Break	Period of compensatory classes (Ext.P22 series certificates)	Period of Internship underwent in the University	Dates of Graduation/ Graduation Certificate (Exhibit P23 series)
Daleel Ahmmed (R1) (Beihua University)	2017-2023 (5 year course + 1 year internship)	02/01/2020 to 21/02/2023 (3 years 1 month & 19 days)	3/2023 to 6/2023 (4 months)	19/06/2023 to 20/06/2024 (one year)	21/06/24



			Ext.P22		
Sankethethil Aslah (R2) (Beihua University)	2017-2023 (5 year Course+1 year Internship)	02/01/2020 to 21/02/2023 (3 years 1 month & 19 days)	3/2023 to 6/2023 (4 months) Ext.P22(A)	19/06/2023 to 20/06/2024 (One year)	21/06/24
Vishnu Ajith Kumar (R3) (Jilin University)	2018-2024 (5 year Course+1 year Internship)	12/01/2020 to 25/10/2022 (2 years 9 months & 13 days)	26/11/2022 to 09.06.2023 (6 months & 14 days) Ext.P22(B)	17/06/2023 to 15/06/2024 (One year)	18/06/24
Mohammed Shakir Palengara (R4) (Jilin University)	2018-2024 (5 year Course+1 year Internship)	14/01/2020 to 21/10/2022 (2 years 9 months & 7 days)	26/11/2022 to 09.06.2023 (6 months & 14 days) Ext.P22(C)	17/06/2023 to 15/06/2024 (One year)	18/06/24
Rishad Ali Parasseri (R5) (Jilin University)	2018-2024 (5+1)	14/01/2020 to 21/10/2022 (2 years 9 months & 7 days)	26/11/2022 to 09.06.2023 (6 months & 14 days) Ext.P22(D)	17/06/2023 to 15/06/2024 (One year)	18/06/24
Ashika Chayampurath Subrammanian (R6) Jilin University)	2018-2024 (5 year Course +1 year Internship)	14/01/2020 to 21/10/2022 (2 years 9 months & 7 days)	26/11/2022 to 09.06.2023 (6 months & 14 days) Ext.P22(E)	17/06/2023 to 15/06/2024 (One year)	18/06/24
Anooj Suhail (R7) (Jilin University)	2018-2024 (5 year Course +1 year Internship)	30/01/2020 to 25/10/2022 (2 years 9 months & 10 days)	26/11/2022 to 09/06/2023 (6 months & 14 days) Ext.P22(F)	17/06/2022 to 15/06/2024 (one year)	18/06/24
Ahmed Rizwan (R8) (Jilin University)	2018-2024 (5 year Course+1 year Internship)	12/01/2020 to 22/10/2022 (2 years 9 months & 10 days)	26/11/2022 to 09/06/2023 (6 months & 14 days) Ext.P22(G)	17/06/2022 to 15/06/2024 (one year)	18/06/24

A perusal of the afore table clearly shows that respondent Nos.1 to 8 had a break in their course during the COVID pandemic for a period



ranging from 2 years, 9 months, and 7 days to 3 years, 1 month, and 19 days. It is also discernible that they have undergone compensatory classes after returning to China for various periods ranging from 4 months to 6 months and 14 days. The afore facts are not in dispute in this case. Now, the first question to be considered is whether the compensatory classes undergone by respondent Nos. 1 to 8, which enabled them to obtain compensatory certificates and subsequently, the graduation certificate, are sufficient for getting provisional registration. The answer to this question admittedly, lies on the interpretation to be given to Exhibits P20 and P21, public notices issued by the National Medical Commission. Exhibit P20 dated 07.06.2024 reads as follows:

"This is in continuation to the Circular No. U.15024/01/2022UGMEB dated 9th May 2023, uploaded by UGMEB regarding the conduct of internships for Foreign Medical Graduates (FMGs) which pertains to the provision of supplementing online classes with offline mode as mentioned in clause (x) of point 3 on page 3 of the above circular.

2. It has been observed that many FMGs are maliciously obtaining compensatory certificates from their parent universities for the online classes carried by them. The medical profession deals with precious human life, therefore the life of Indian citizens cannot be put at stake of poorly trained medical



professionals. The UGMEB has decided that henceforth, **Certificate regarding the compensation/supplementation theory subjects/classes with offline practical and clinical training shall not be accepted.**

3. FMGs who have attended their classes online for any duration during their course completion are required to qualify the FMG Examination and subsequently undergo a Compulsory Rotating Medical Internship (CRMI) for a period of two/three years (a schedule of 12 months to be repeated) as mentioned in the Circular dated 9.5.2023 and as per the public notice uploaded on 7th December 2023."

Exhibit P21 dated 19.06.2024 reads as follows;

"In continuation to the Public Notice of even number dated 07th June, 2024, it is clarified that all students who have sufficiently compensated classes in physical onsite in lieu of the online classes and subsequently passed examination equivalent to MBBS in India, shall be eligible for one year mandatory internship as specified in the CRMI Regulations 2021.

2. All other conditions will remain the same as mentioned in the public notice dated 07.12.2023. This Public Notice is also applicable to similarly placed students of who passed examination equivalent to MBBS in India from any other countries."

10. A perusal of Exhibit P20 would go to show that the same is issued in continuation to Exhibit P16, circular dated 09.05.2023, (relied on by the learned counsel for respondent Nos.1 to 8) issued by



the NMC regarding the conduct of internships of FMG which pertains to the provision of supplementing online classes with offline mode as mentioned in clause (x) of point No.3 on page 3 of the circular. It also shows that the NMC has decided not to accept certificates regarding compensation/supplementation for online theory subjects/classes with offline practical and clinical training, after it found that the FMGs are maliciously obtaining compensatory certificates from their parent Universities. It is further stated in Exhibit P20 that the FMGs who have attended their classes online for any duration during their course completion are required to qualify the FMG Examination and subsequently, undergo CRMI for a period of two/three years. Later, by Exhibit P21, which is issued in continuation of Exhibit P20, it was clarified by the NMC that all students who have sufficiently compensated classes in physical onsite in lieu of online classes and subsequently passed an examination equivalent to MBBS in India shall be eligible for a one-year mandatory internship as specified in CMRI Regulations, 2021. So, a reading of Exhibits P20 and P21, would show that students who have attended online classes due to pandemic restrictions must undergo



physical classes which would sufficiently compensate the period of their online classes.

11. Now the question that arises for consideration is whether respondent Nos.1 to 8 have 'sufficiently compensated' classes in physical mode? It cannot be disputed that the NMC has issued Exhibits P20 and P21 notices in public interest, considering the fact that medical profession is one that deals with precious human life, and the lives of Indian citizens cannot be put at stake by poorly trained medical professionals. The purpose of issuing these public notices is to ensure that candidates who were unable to attend physical classes during the COVID pandemic and attended classes online, meet the standards required for the courses, to ensure that there is no compromise in the standards of medical education, and that the integrity and safety of the health care delivery system are maintained. It also cannot be disputed that the High Court is not an expert body to go into the pros and cons or weigh/asses the compensatory classes undertaken by respondent Nos. 1 to 8 and to opine whether they have sufficiently compensated the period of online classes by attending classes in physical mode. In such circumstances, this Court does not find any impediment in relying



upon Annexure A1 clarification dated 07.08.2025 issued by the NMC (to the Government of Andhra Pradesh) in cases of a similar nature, for the purpose of interpreting Exhibit P21. Annexure A1 is a clarification issued by NMC on offline compensation for online study of FMGs as per Exhibit P21 public notice. The relevant portions of the clarification reads as follows:

"It is pertinent to note that medical education is a specialized and highly regulated domain that directly influences the quality of healthcare delivery in the country. Unlike many other fields of study, medical education is not confined to academic knowledge alone; it involves the cultivation of clinical skills, ethical responsibility, and the capacity to make life-saving decisions. Further, doctors and other medical professionals trained through such educational programs are entrusted with the health and lives of patients; any compromise in the standards of medical education can have far-reaching and potentially irreversible consequences for society at large. The National Medical Commission (NMC) serves as the apex regulatory body responsible for overseeing medical education and practice in India. Hence, full compliance with medical education regulations remains critically essential to uphold the integrity and safety of healthcare delivery.

2. In the past few years, it has been observed that a significant number of medical aspirants choose to pursue medical education abroad. To regulate such Foreign Medical Graduates (FMGs), who travel to other countries to pursue medical



courses equivalent to the MBBS program in India and later return to India to practice in the Indian hospitals, the National Medical Commission (NMC) introduced the Foreign Medical Graduate Licentiate Regulations, 2021 (FMGL, 2021), which was notified on 18.11.2021.

Simultaneously, the Compulsory Rotating Medical Internship Regulations, 2021 (CRMI, 2021) was also notified on the same date. These regulations aim to subject FMGs to thorough scrutiny and ensure they attain clinical skills equivalent to those of Indian Medical Graduates. Upon successful completion of the mandatory CRMI and satisfying the prescribed evaluation criteria, FMGs become eligible for permanent registration to practice medicine in India.

3. That around the year 2020, owing to the unforeseen circumstances that arose due to the COVID-19 pandemic, followed by the Russia-Ukraine war, which left a global impact, causing many Indian medical students from all over the country to return to India. Consequently, many of these Foreign Medical Graduates (FMGs) were found to have completed a portion of their medical education through online mode and are now seeking permanent registration in India.

4. To curb the abovementioned practices, the UGMEB, in alignment with the guiding principles enshrined in the FMGL, 2021, and with the overarching objective of preserving the quality and standards of medical education in the country, issued a Public Notice dated 07.12.2023. Through this notice, it was clarified that in cases where the FMGs had a break and the medical course has been pursued in the online mode, the



concerned FMG will be required to undergo either a two-year clerkship or a one-year clerkship, as applicable, followed by the mandatory one-year internship prescribed under the Compulsory Rotating Medical Internship (CRMI) Regulations, 2021.

Subsequently, by way of Public Notice dated 19.06.2024, UGMEB further clarified that all students who have **sufficiently compensated** classes in physical onsite in lieu of the online classes and subsequently passed examination equivalent to MBBS in India, shall be eligible for one year mandatory internship in India as specified in the CRMI Regulations 2021.

5. The backdrop of issuance of Public Notice dated **07.12.2023** and **19.06.2024** arises from the growing concern with respect to FMGs completing some part of their medical education through online mode. That, to uphold the quality and standards of medical education, to discourage the casual pursuit of such practices and to ensure strict adherence to the sanctity of the regulations prescribed by the NMC, the UGMEB, vide above-mentioned public notices, mandated the **adequate compensation** of the classes studied through online mode by the FMGs, which requires **adequate compensation (i.e. attending the remaining duration of the curriculum in physical mode in the parent foreign medical institute)** for the **remaining duration** of the medical education that was studied by the FMG through online mode or has not studied the remaining duration at all.

6. The core intent behind the requirements outlined in the referenced public notices is to uphold the quality and integrity



of medical education, especially in the context of Foreign Medical Graduates (FMGs). These notices recognize that certain FMGs may have completed a portion of their medical education through online mode, particularly during exceptional circumstances such as the COVID-19 pandemic. Others may have failed to complete the required duration of study altogether. **Given that online learning lacks the crucial component of in-person clinical training, an essential part of medical competency, the commission has mandated these measures to compensate for the equal duration of the course studied via online mode.** The goal is not punitive but corrective to ensure that all FMGs attain a level of practical and clinical knowledge at par with the standards expected in India. This approach ultimately safeguards public health while providing FMGs with a clear, structured path to become eligible medical practitioners in the country.

7. In light of the above regulations and the public notices issued by NMC, the queries raised in the above DO letter have been clarified as under:

Sl. No.	Query	Clarification
I	Whether the online period of any duration in one academic year can be compensated along with academics of the next year offline without extension of study period?	The primary objective of the public notices dated 07.12.2023 and 19.06.2024 is to ensure that any portion of the medical education undertaken by Foreign Medical Graduates (FMGs) through online mode, particularly during periods of global disruption like



	COVID-19, is adequately compensated through in-person clinical and academic training. This is essential because medical education, by its very nature, requires substantial hands-on learning, clinical exposure, and practical experience, which cannot be effectively substituted by virtual instructions alone. Therefore, any FMG who studied a portion of their course online is required to undergo equivalent in-person training to make up for that duration. In this context, foreign medical institutions that issue a "compensation certificate" without actually extending the period of study and without ensuring that the additional training has occurred in physical mode are acting in contradiction to the intent and requirements of the FMGL Regulations. Such certificates, issued without genuine compensation and extension of study period, undermine the very spirit and purpose of the FMGL Regulations, 2021, which aim to uphold the integrity and quality of medical education for practitioners intending to practice in India. Under Schedule-I of the Foreign Medical Graduate Licentiate Regulations, 2021, notified on 18.11.2021, it is clearly stated: <i>"The course and internship or clinical clerkship shall commensurate with the</i>
--	---



		<i>MBBS course of India in accordance with the Regulations on Graduate Medical Education, 1997 and subsequent amendments thereto, and shall include the subjects mentioned therein as are duly recognized by the Commission under sub-section (2) of section 61 of the Act."</i> This clause emphasizes that: The structure, duration, and content of foreign medical courses must be equivalent to the Indian MBBS curriculum. The course must include sufficient hands-on clinical training. Online-only education cannot be considered equivalent unless the missed components are physically compensated for. Institutions must ensure compliance with both curriculum and practical standards, failing which FMG qualifications may not be recognized in India.
II	Should certificate contain details academics that are extended in order to compensate for the of online study with offline mode	It is imperative to verify the authenticity of the claim of of Foreign Medical Graduate's (FMG) regarding the offline compensation of the remaining duration of the medical period course, which must include both theoretical and practical components. Accordingly, the compensation certificate issued by the concerned foreign medical institution



		must clearly specify the details of the subjects and it's duration completed by the FMG. Furthermore, the transcript of record issued by the university/medical institution, must be duly apostilled, and authenticated by the Indian Embassy or High Commission in the respective country; to ensure its legitimacy and compliance with regulatory requirements.
III	Can two academic years, curriculum training be done in one year offline study?	No. Clarification has already been furnished as above.

8. It is important to underscore that the primary responsibility for processing applications of Foreign Medical Graduates (FMGs), particularly those falling under the categories specified above, in accordance with the provisions of the FMGL Regulations, 2021, and the CRMI, 2021, lies solely with the respective State Medical Councils (SMCs). These Councils are entrusted with ensuring that all applications are thoroughly reviewed for compliance with the applicable regulatory framework.

9. It is significant to clarify that while processing such applications, the SMCs shall verify and satisfy itself that the Foreign Medical Graduate (FMG) has duly completed the compensatory academic requirements comprising both theory and practical components, at the same foreign medical institution; which should be corroborated from the visa



stamping & entry/exit records on passport, FMGE pass certificate issued by NBEMS (National Board of Examinations in Medical Sciences) etc. Subsequently, such FMGs must complete one-year compulsory internship in India, as prescribed under the CRMI, 2021, for grant of permanent registration by the SMC.

10.(not relevant)

11. In view of the critical importance of medical education which has a specialized and stringently regulated domain that has a direct bearing on the quality of healthcare delivery in the country, as explained in above paras, it is imperative that the objectives underlying the requirements stipulated under the FMGL, 2021 and the CRMI, 2021, as further reinforced through the Public Notices dated 07.12.2023 and 19.06.2024, are given due prominence and strict adherence while granting registration to medical graduates, in whose hands the responsibility of delivering healthcare services will be entrusted."

12. The afore clarification gives a clear picture of the purpose and intent for issuing Exhibit P21 notice and it specifies what is meant by the term 'sufficiently compensated'. It is thus clear that in order to 'sufficiently compensate', a FMG who has studied a portion of his course online is required to undergo equivalent in-person training to make up for that duration. In other words, as per the afore clarification, the compensatory classes must be for an equal



duration of the course studied by online mode. It is further stated that the certificates issued by Foreign Medical Institutions without genuine compensation and without extension of the study period undermine the integrity and quality of medical education. That apart, the clarifications issued to query Nos.1 and 3 further shows that the online period of any duration in one academic year cannot be compensated along with the academics of the next year offline, without extension of the study period and that two academic years of curriculum training cannot be done in one year of offline study. In the instant case, admittedly, the period of compensatory studies undergone by respondent Nos.1 to 8 is not of equal duration of the course studied by them through online mode. Similarly, it is also to be seen that the period of compensatory classes undergone by respondent Nos.3 to 8 are along with the academics of the balance years and therefore, do not fulfill the criteria specified by NMC as stated afore. If so, we have no hesitation in finding that respondent Nos.1 to 8 have not "sufficiently compensated" classes in physical mode, in lieu of the online classes as mandated in Ext.P21.

13. Now, the next question to be considered is, whether the State Medical Council was right in imposing a clinical clerkship for a



period of one year ? At the sake of repetition, we remind ourselves that we are not an expert body to decide the equivalence for the deficit/shortage of studies prescribed by the National Medical Commission. The statement filed by NMC would clearly show that the registration of medical graduates is within the domain of the appellant and they are to assess the eligibility of the applicants independently. Exhibit P16 circular and Annexure A1 clarification also confirms the fact that the implementation of the guidelines/circulars issued by NMC are to be ensured by the State Medical Councils and Directorate of Medical Education. In fact Annexure A1 clearly directs the State Medical Council to ensure full compliance with the prescribed curriculum and to see that Exhibits P18 and P21 circulars are strictly adhered to while granting registration to medical graduates. In the statement filed by the appellant, it is stated that the Council of Modern Medicine under the appellant has carefully examined the circumstances prevailing in each of the foreign countries/foreign Universities imparting medical education, in the light of guidelines/notices/ advisories issued by the National Medical Commission applicable to all FMGs who had a break in their course. It is also stated that the Council of Modern Medicine



has constituted a scrutiny committee of experts to verify each and every applications of the FMGs for registration on its merits with the aid of supporting documents including the passport details, replies from University/Embassy concerned in the light of the public notices issued by NMC and then has finalised whether the student concerned should undergo one year or two years clinical clerkship, as the case may be. It is further stated that it is after satisfying that respondent Nos.1 to 8 have not undergone the requisite compensatory classes, they were directed to undergo clinical clerkship. At this juncture, it will also be pertinent to take note of Annexure R2(a) dated 19.09.2024, wherein the issue of internships for the 2017-2024 batch of FMG students has been considered. As per Annexure R2(a), it is decided by the appellant that the students who have enrolled during 2017-2018 in foreign medical colleges and those who faced a break in the course during the pandemic and thereafter, joined the college and did a compensatory course must undergo a one-year clinical clerkship, subject to decision of NMC. That apart, a perusal of Ext. P18 notice dated 07.12.2023 would go to show that NMC has mandated that, where students who had a break in the final year or in the penultimate year of study due to COVID/war and have returned to



India and have attended the classes through online mode, as prescribed, must undergo a compulsory clinical clerkship for one/two years. In the light of the afore facts, we are of the considered view that the stand taken by the appellant insisting respondent Nos. 1 to 8 to undergo a one-year clinical clerkship cannot be stated as arbitrary, unjustifiable or without any basis. As stated earlier, the only objective in directing respondent Nos. 1 to 8 to undergo a one-year clinical clerkship is to ensure the quality of health care delivery in the country and nothing more. The decision in **Katta Vamsi's** case (supra) relied on by respondents 1 to 8 is not applicable to the facts in the instant case, since in the instant case there are sufficient materials to show that respondents 1 to 8 have not undergone compensatory course as mandated by NMC. If so, we are of the view that the impugned judgment passed by the learned Single Judge allowing the writ petition by declaring that respondent Nos. 1 to 8 are not required to undergo clinical clerkship and giving direction to the appellant to process their registration application, cannot be sustained.

Ergo, this writ appeal is allowed and the judgment dated 23.07.2025 in W.P.(C)No.42885 of 2024 is set aside and W.P.



(C)No.42885 of 2024 is dismissed.

**Sd/-
SUSHRUT ARVIND DHARMADHIKARI,
JUDGE**

**Sd/-
P.V. BALAKRISHNAN,
JUDGE**

Dxy



APPENDIX OF WA NO. 2321 OF 2025

PETITIONER ANNEXURES

ANNEXURE A1 TRUE COPY OF THE CLARIFICATION ALONG WITH
THE COVERING LETTER ISSUED BY THE SECRETARY
OF THE 9TH RESPONDENT COMMISSION BEARING
NO. D.O. NO.11021/LEGAL-UGMEB/25077/2025
DATED.7.8.2025

RESPONDENT ANNEXURES

ANNEXURE R9 (A) A TRUE COPY OF THE D.O. LETTER NO. R.
11036/01/2024 DATED 19.11.2024 ISSUED BY
THE SECRETARY, NMC