

National Board of Examinations

Dated: August 5<sup>th</sup>, 2010

**Sub: - W.P 1483/2010 and 1485/2010 before the Hon'ble Bombay High Court**

NBE had received the copy of order/judgment dated: 16<sup>th</sup> July 2010 on 21<sup>st</sup> July 2010. NBE had invited the petitioners in the above mentioned Writ petition for consultation at New Delhi on 26<sup>th</sup> July 2010. Out of four petitioners only two petitioners namely Dr. Rakesh Patil and Dr A M Tirodkar attended the consultation meeting on 26<sup>th</sup> July 2010. They had submitted their written submission through fax on 28<sup>th</sup> July 2010.

To make the process of admissions to DNB programmes transparent and accountable, NBE had introduced the policy of admissions to DNB program on the basis of merit/marks received by the candidate in the multiple choice question (MCQ) based CET examinations.

For the DNB admissions July 2010 session, NBE had released its CET June 2010, Bulletin of Information in March 2010. The CET June 2010 Bulletin of Information stipulated the admissions to DNB programme based upon the transparent policy of merit/marks received in the CET examination. The last date for admissions to DNB programme was fixed as 14<sup>th</sup> August 2010.

The attention of petitioners and the similarly placed other candidates who had passed CET examinations in DEC-2008, June 2009 and DEC 2009 is drawn to the terms and conditions mentioned in Bulletin of Information for the CET examinations held in DEC-2008, June 2009 and DEC 2009. It is explicitly mentioned therein that the admission to the DNB course shall be governed by the guidelines then applicable. In other words, the admission to DNB programme is governed by the latest information bulletin released by NBE and this fact was much known to all the candidates. The Result Certificate of CET issued to successful candidates also contains the information that the admission is subject to the guidelines prevailing at the time of admission. Information pertaining to scheme of admissions for DNB courses is available in the information bulletin which is available in the public domain at website of NBE [www.natboard.edu.in](http://www.natboard.edu.in).

In August 2009, Dr. R.K Srivastava, DGHS, Government of India had constituted a committee to *“to review the guidelines of DNB courses and to suggest uniform guidelines for DNB courses in all over the country”* vide ref. no. (U11011/26/2009-ME dated 19.08.2009); as part of the deliberation by various experts, it was resolved that admission to DNB courses throughout the country shall be on basis of merit as per entrance test.

The aforesaid guidelines were also deliberated at expert group meetings held in January 2010 at New Delhi.

This matter pertaining to admissions was also considered during proceedings of a committee constituted by the Ministry of Health and Family Welfare under Chairmanship of Prof. M.K Bhan, Secretary, Department of Biotechnology, Government of India.

The report of Committee under chairmanship of Prof. M K Bhan was duly approved by the Ministry of Health and Family Welfare and forwarded to NBE in March 2010. The aforesaid report was considered by the Governing Body of NBE and the Governing Body accepted the report in toto.

In accordance with the expert deliberations, recommendations and directives as highlighted above the admissions to DNB programme were changed to transparent merit based scheme published in March 2010 to be enforced from July 2010 session. In the meanwhile the Medical Council of India and the Government of India are contemplating holding of a single entrance examination for entry to various medical courses.

NBE has given its considerable thought on the suggestions forwarded by the petitioners and the views of NBE are as under-

**I. Introduction of quota for CET passed candidates (Dec 2008, June 2009 and Dec 2009)**

The transparent policy of merit based admission was known to all candidates as early as in March 2010, when the Bulletin of Information for June 2010 was released by NBE. The merit based CET examinations was conducted on 13<sup>th</sup> June 2010. The above noted two present writ petitions were filed by the two sets of two Petitioners in June 2010 and another writ petition has been filed on 31<sup>st</sup> July 2010 by another set of four petitioners before the honorable Bombay High Court. In all there are three writ petition(s) there are total eight petitioners who are aggrieved from the merit based admission policy. NBE has not encountered any other litigation on this ground except the aforementioned three writ petitions. The petitioners have either not been selected by the institutes i.e. they have not been able to pass the aptitude test in the accredited institutes since there passing the CET examination or the petitioners were not prepared to join the DNB programme. In any case, these are not relevant considerations for stopping the reform process for admissions to DNB programme and that too at this late stage.

At this stage, the admission by the institute on the DNB seats is almost finalized and they are in the process of intimating the same by sending the registration forms of the selected candidates to NBE for registration.

The introduction of quota for CET pass candidates for the years Dec 2008, June 2009 and Dec 2009 would unsettle the entire merit based transparent admission policy, admission schedule, the academic calendar and even the examinations schedules. By introduction of quota, the transparent merit based policy for admissions would be defeated as the institutes would be permitted to select the candidates on the basis of aptitude test which has always been the constant source of complaints from the candidates for nepotism, bias, favoritism, corruption and so on. The introduction of quota is neither in the interest of candidates nor the medical education in general.

## II Vacant seats

The suggestion for permitting the CET pass candidates for the years Dec 2008, June 2009 and Dec 2009 is also not feasible because the NBE would come to know of the exact status of vacant seats only after the entire registration process for around 2500 DNB seats throughout the country is complete. The process of registration of the candidates is done by NBE when the NBE has received the registration forms filled by the candidates and forwarded by the respective institutes.

There is no methodology by which the exact number of vacant seats can be ensured by the NBE at this stage. Even otherwise the NBE after ascertaining the exact number of vacant seats has to release them in public domain before permitting admissions therein. There is no assurance or guarantee of any sort that the admissions to the vacant seats shall be conducted in a fair manner without any malpractices, if the admissions are to be conducted on the basis of interview or aptitude assessment alone, rather there is risk to the fundamentals of transparent and merit based admissions, if such a move is undertaken.

NBE has introduced the policy of merit based admissions to curb all the evil practices such as nepotism, bias, favoritism, corruption etc. after considerable efforts as mentioned hereinabove.

It is not feasible for NBE to tinker with the transparent merit based admission policy.

(Executive Director)  
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