



THE JAMMU & KASHMIR MEDICAL COUNCIL

Jammu Office: 235-A, Gandhi Nagar, Jammu (J&K) 180004

Phone: 0191-2459221, Email: adminj@jkmedicalcouncil.in

Srinagar Office: Sector-1, Gulberg Colony, Hyderpora, Srinagar (J&K) 190014

Phone: 0194-4501950, Email: admink@jkmedicalcouncil.in

Website: www.jkmedicalcouncil.in

NOTIFICATION

Notification No.: JKMC-21 of 2026

Dated: 23-10-2026

ORDER

SUBJECT: Structural Invalidation of Application for Provisional Registration and Absolute Denial of Licensure to Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, under the *Registration of Medical Practitioners and Licence to Practice Medicine Regulations, 2023.*

WHEREAS, Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, belongs to "Resident of Backward" Category having been issued Certificate of being a member of the Socially and Educationally Backward Class by the Competent Authority i.e Tehsildar Handwara, Vide No TH/B90/533 dated 01-05-2019.

WHEREAS, Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, submitted an application seeking consideration under National Eligibility Cum Entrance Test (UG) 2019 while choosing to appear under "Other Backward Class" Category instead of "Resident of Backward" Category as there appeared no "Resident of Backward" Category on NEET UG Portal.

WHEREAS, Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, passed his NEET UG – 2019 under "OTHER BACKWARD CLASS" Category, the result whereof was declared on 05-06-2019.

WHEREAS, Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, acquired his MBBS Degree from TASHKENT MEDICAL ACADEMY (Republic of Uzbekistan) under Registration No 4194 dated June 30, 2025.

WHEREAS, Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, was declared PASS in the Screening Test (FMGE) for Foreign Medical Graduates conducted by the National Board of Examinations on Medical Sciences (NBEMS) on 17.01.2026 for December 2025 Session and was issued Screening Test Pass Certificate Vide Ref. No NBEMS/DoEC/51022/XI/December/2511210953/A-10830/9975 dated 14.04.2026.

WHEREAS, Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, applied for Provisional Registration with the Jammu & Kashmir Medical Council on OnLine Portal Vide Application dated 18.-06-2026.

WHEREAS, during scrutiny of the documents submitted by Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, it was observed that the candidate though belonged to the "Resident of Backward" Category but had passed NEET UG – 2019 under "Other Backward Class" Category.

Whereas, on noticing the aforesaid discrepancy, the candidate – Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, it was observed that the candidate though belonged to the "Resident of Backward, was asked to furnish clarification in the matter. In his Reply Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, stated that he has inadvertently chosen "Other Backward Category" instead of his belonging to "Resident of Backward" Category as there appeared no "Resident of Backward" Category on NEET UG Web Portal.

WHEREAS, the Jammu and Kashmir Medical Council addressed a letter to the Chairman, (Jammu and Kashmir Board of Professional Entrance Examination) and National Medical Commission, requesting investigation/clarification regarding the NEET UG 2019 Category and Eligibility of Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara.

WHEREAS, the National Medical Commission Vide No R.15015(16)/Gen./2026-Regn.E file – 8416769/020225 dated 07-09-2026 submitted that Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, qualified the NEET UG 2019 under "Other Backward Class" Category while was covered under "Resident of Backward" Category of Jammu & Kashmir Union Territory (erstwhile State of Jammu & Kashmir). Since the candidate is covered only "Resident of Backward" Category (State Quota) and not covered under "Other Backward Class" Category (in Central as well as State Quota), his qualifying NEET UG 2019 under "Other Backward" Category is questionable / irregular, as such, is to be considered as General Category Candidate only, having not secured marks of 134 got General Candidate, therefore, being possessing ineligibility to appear for Foreign Medical Graduates Examination (FMGE) conducted by the National Board of Examinations in Medical Sciences (NBEMS), based on NEET Score, is not entitled to grant of provisional Registration under the *Registration of Medical Practitioners and Licence to Practice Medicine Regulations, 2023*.

WHEREAS, the matter under review does not merely represent a routine administrative discrepancy; rather, it constitutes a calculated, epistemological assault on the regulatory architecture governing public health and professional medical licensure. Medical registration is a statutory privilege anchored in the doctrine of *uberrima fides* (the utmost good faith) and the sovereign exercise of police power by the State to protect public health. The Application preferred by Mr. Lone Faisal Showkat S/O Mr Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara, (the "Applicant") features a sophisticated, mathematically balanced data manipulation designed to systematically deceive two distinct statutory echelons: the National Medical Commission (erstwhile Medical Council of India) and the Jammu & Kashmir Medical Council.

I. PREAMBLE & STATUTORY JURISDICTION

This statutory order disposes of the application dated 18-06-2026 preferred by Mr. Lone Faisal Showkat (hereinafter referred to as the "Applicant") seeking Provisional Medical Registration under the Jammu & Kashmir Medical Council, read in conjunction with the Registration of Medical Practitioners and Licence to Practice Medicine Regulations, 2023 and the National Medical Commission (NMC) Act, 2019.

Medical registration is a statutory privilege and not an inherent or vested common law right. It is anchored firmly upon the absolute doctrine of *uberrima fides* (the utmost good faith). The state, via its sovereign police powers channeled through Regulatory Medical Councils, is mandated to strictly guard the gates of professional medical licensure to preserve and protect public health. Any entry secured into this architecture through structural misrepresentation, data manipulation, or statutory circumvention is *void ab initio*.

II. COMPREHENSIVE FACTUAL BACKGROUND

The undisputed chronological facts essential to the adjudication of this case are compiled below:

1. Social/Reserved Category Profiling: The Applicant is a permanent resident of Magam, Tehsil Handwara, District Kupwara, and belongs to the "Resident of Backward Area" (RBA) Category. This status is evidenced by a "Socially and Educationally Backward Class" Certificate issued by the Competent Authority, i.e., Tehsildar Handwara, under Certificate No: TH/B90/533 dated 01-05-2019.

2. The Initial Misrepresentation (NEET UG 2019): While submitting his online Application for the National Eligibility Cum Entrance Test (UG) 2019, the Applicant deliberately and consciously chose to declare his Category as "Other Backward Class" (OBC) instead of his legal status as a "Resident of Backward Area" (RBA). The Applicant appeared under the "Other Backward Class" Roll and was declared to have qualified the NEET UG 2019 exam under the relaxed "Other Backward Class" threshold on 05-06-2019.

3. Acquisition of Foreign Qualification: On the strength of the baseline qualification certificate generated via the aforementioned NEET UG 2019 OBC designation, the Applicant secured admission to and subsequently acquired an MBBS Degree from TOSHKENT TIBBIYOT AKADEMIYASI (Tashkent Medical Academy, Republic of Uzbekistan) under Registration No: 4194 dated June 30, 2025.

4. Clearing the Screening Test: Relying upon his foreign degree and his underlying NEET credentials, the Applicant sat for the Foreign Medical Graduates Examination (FMGE) Screening Test conducted by the National Board of Examinations in Medical Sciences (NBEMS). He was declared 'PASS' for the December 2025 session on 17.01.2026 and was issued an FMGE Pass Certificate under Ref. No: NBEMS/DoEC/51022/XI/December/2511210953/A-10830/9975 dated 14.04.2026.

5. Discovery of Mismatch: The Applicant applied for Provisional Registration via the online portal of the Jammu & Kashmir Medical Council on 18-06-2026. During primary institutional scrutiny, the Council detected a structural mismatch: the Applicant was an "Resident of Backward Area" Certificate holder under UT Rules but had qualified NEET UG 2019 under the Central/All-India OBC Code.

6. Applicant's Explanation: When called upon to show cause and clarify the discrepancy, the Applicant stated in his reply that he "inadvertently" chose the OBC category because there was no distinct "Resident of Backward Area" (RBA) option visible on the National Testing Agency's (NTA) NEET UG web portal.

III. INSTITUTIONAL INVESTIGATION & NMC MANDATE

To resolve the legal validity of the candidate's entry parameters, the Jammu & Kashmir Medical Council referred the matter to the Apex Regulator, the National Medical Commission (NMC).

The NMC, after reviewing its Central Entry manifests, issued its final statutory determination Vide Letter No: R.15015(16)/Gen./2026-Regn.E file – 8416769/020225 dated 07-09-2026. The binding findings of the NMC are summarized as follows:

- * Absence of Dual Coverage: The RBA category is a specialized reservation restricted strictly to the State/Union Territory Quota of Jammu & Kashmir. The Applicant is not listed, recognized, or covered under the "Other Backward Class" (OBC) category in either the Central List of India or the J&K State/UT OBC list.

- * Illegality of Category Concession: Because the Applicant did not legally belong to the OBC category, his invocation of the relaxed qualifying score allocated for "Other Backward Class" candidates was fraudulent and illegal.

- * Failure to Meet Baseline Threshold: Stripped of the unauthorized OBC concession, the Applicant's performance must be evaluated strictly against the General (Unreserved) Category criteria. For NEET UG 2019, the mandatory statutory minimum qualifying score for a General Candidate was 134 marks. The Applicant failed to secure the baseline 134 marks.

- * Derived Ineligibility: Under Indian law, a valid qualifying score in NEET UG is a strict statutory prerequisite to go abroad for an MBBS Degree and subsequently take the FMGE Screening Test. Because the Applicant never legitimately qualified NEET UG 2019, he possessed an *ab initio* ineligibility to sit for the FMGE conducted by the NBEMS.

IV. LEGAL AND TECHNICAL ANALYSIS WITH JUDICIAL PRECEDENTS

1. The Principle of *Fraus Omnia Corruptit* (Fraud Vitiates Everything)

The Applicant's defense that he mistakenly or "inadvertently" selected "Other Backward Class" due to the lack of an "Resident of Backward Area" button on the Portal cannot stand the test of law. The choice of a completely separate socio-legal category with lower qualifying thresholds represents an affirmative, deceptive act.

It is a well-settled principle of Indian jurisprudence that any benefit, admission, or status acquired by practicing deception or misrepresenting facts before a public authority is a nullity in the eyes of the law.

* In ["S.P. Chengalvaraya Naidu Vs. Jagannath", (1994) 1 SCC 1], the Hon'ble Supreme Court of India held:

"Fraud avoids all judicial acts, ecclesiastical or temporal... No Court in this country can allow a person to keep a benefit which he has obtained by fraud."

* In ["*Union of India & Ors. Vs M. Bhaskaran*", (1995) Supp (4) SCC 100], the Apex Court reinforced that when an appointment or eligibility is secured by playing fraud upon public choosing systems, the dynamic created is voidable, and no equity can be claimed by the beneficiary due to the passage of time or intermediate course completion.

2. Subversion of Statutory Entry Prerequisites

The core entry regulations governing Foreign Medical Graduates are governed by the Screening Test Regulations, 2002 and the Eligibility Requirement for Taking Admission in an Undergraduate Medical Course in a Foreign Medical Institution Regulations, 2018.

* The Hon'ble Supreme Court in multiple rulings has upheld that passing NEET-UG with the required qualifying cut-off according to one's *actual legal category* is an inflexible mandatory prerequisite to practicing medicine in India post-return.

* If a candidate fails to hit the category-specific cut-off mark at the point of entry (NEET), the subsequent progression—including the foreign medical degree and the FMGE certificate—lacks a legal foundation.

3. The Doctrine that Courts and Councils Cannot Rewrite Statutory Cut-offs

The J&K Medical Council lacks the statutory power to condone a deficit in qualifying marks or overlook a category mismatch.

* In the recent judgment of ["*Keeni Shivani Vs. The National Board of Examinations*" (W.P. No. 7654 of 2026)], the High Court reaffirmed that licensing and screening test regulations apply uniformly and do not contemplate arbitrary or sympathetic relaxations outside the explicit letter of the law.

* Similarly, in *Telangana High Court (June 2026)* regarding FMGE qualifying parameters, it was held that Courts and regulatory Councils cannot rewrite or alter statutory rules governing professional medical examinations. The candidate cannot manufacture a hybrid status by combining J&K UT "Resident of Backward Area" credentials with Central "Other Backward Class" exam roll benefits to subvert the General Category benchmark of 134 marks.

V. FINAL ORDER OF REJECTION

Consequently, the structural misrepresentation committed by the applicant completely undermines the core eligibility architecture of the NMC Act, 2019 and the Registration of *Medical Practitioners and Licence to Practice Medicine Regulations, 2023*. The defect is fundamental and irremediable.

NOW, THEREFORE;

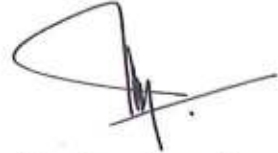
1. In exercise of the statutory powers vested in the Jammu & Kashmir Medical Council under the *Registration of Medical Practitioners and Licence to Practice Medicine Regulations, 2023*, the application of Mr. Basharat Amin for Provisional Registration is hereby REJECTED with immediate effect on grounds of established document forgery, systemic fraud, and misrepresentation of fundamental academic records.

2. The FMGE Screen Test Certificate issued by NBEMS is deemed legally ineffective for registration purposes due to the invalidity of the baseline NEET UG qualification.

3. The Applicant shall not be granted a license to practice medicine, nor shall he be permitted to undergo any mandatory rotatory internship within the Union Territory of Jammu & Kashmir.

4. A copy of this order shall be marked to the National Medical Commission (NMC) and the National Board of Examinations (NBEMS) for permanent record and for suo motu withdrawal and cancellation of the Applicant's Eligibility Certificate and associated Screening Test validations necessary administrative action.

Issued with the approval of competent authority.



Dr. Sandeep Dogra
Registrar
J&K Medical Council
J&K Medical Council

No: JKMC/J/Order/2026/ 12239-45

Dated: 23/10/26

Copy to:

1. Secretary, National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi-110077 for information and necessary action within its statutory jurisdiction.
2. President, National Board of Examination, New Delhi.
3. Chairperson, J&K Board of Professional Entrance Examination.
4. President, Jammu & Kashmir Medical Council.
5. Dinesh Singh Chauhan. Standing Counsel, JKMC for information.
6. Mr. Lone Faisal Showkat S/O Mr. Showkat Ahmad Lone R/O Magam, Tehsil Handwara, District Kupwara.
7. Webmaster, J&K Medical Council to upload the Order on JKMC website.
8. Office file.