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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1901/2016 & CM APPL. 8142/2016

KESHA CHHAYA

Through

..... Petitioner

Mr. Manoj Ohri, Senior Advocate
with Mr. Nilakanta Nayak, Mr. Amit
Yadav, Mr. J.K. Mishra, Mr. Ashish
Kumar and Mr. K.N. Mishra,
Advocates

versus

MEDICAL COUNCIL OF INDIA & ORS Respondents

Through

Mr. T. Singhdev with Mr. Tarun
Verma, Advocates for R-1/MCI.
Dr. Rakesh Gosain, Advocate for
R-2.
Mr. Ripu Daman Bhardwaj, Advocate
for R-3/UOI.
Ms. Shina Lakshmi with Mr. Udit
Grover, Advocates for R-4.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER****08.03.2016**

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Present writ petition has been filed with the following prayers:-

“(a) Issue a writ, order or direction or writ in the nature of mandamus directing/commanding the Respondent No. 1 to issue Eligibility Certificate to the Petitioner;

(b) Issue a writ, order or direction or writ in the nature of mandamus directing/commanding the Respondent No. 2 to declare the result of Petitioner of the FMGE test December 2015;

(c) pass an ex parte ad interim order/ directions in terms of above prayers, pending the admission, hearing and final disposal of this petition.

(d) And pass such other order/orders as this Hon'ble Court may deem just and proper in the facts & circumstances of the case."

Learned senior counsel for petitioner states that petitioner had done her schooling and MBBS from Tanzania. He states that petitioner's application for Eligibility Certificate has been pending before respondent no. 1-MCI for more than 1 ½ years and respondent no. 2 has withheld petitioner's Foreign Medical Graduate Examination [FMGE] December 2015 result on the ground of non-submission of Eligibility Certificate. He contends that petitioner has submitted all the relevant documents to respondent no. 1-MCI.

Since admittedly the petitioner's application dated 26th August, 2014 has not been disposed of till date, this Court directs respondent no. 1-MCI to dispose of petitioner's application within eight weeks. Further, till disposal of the petitioner's application, respondent no. 2 is directed to preserve the result of petitioner's FMGE December 2015 exam.

With the aforesaid observations, present writ petition and application are disposed of. However, it is clarified that this Court has not expressed any opinion on the merits of the controversy and all rights and contentions of parties are left open.

Order dasti.

MANMOHAN, J

MARCH 08, 2016

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