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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1840/2016

TRIPTI ALICE PURTY

..... Petitioner

Through: Mr. Surinder Singh, Adv. with Jasmine
Kaur, Adv.

versus

GURU GOBIND SINGH INDERPRASTHA UNIVERSITY & ANR

..... Respondents

Through: Ms. Anita Sahani, Adv. for R-1
Ms. Mansi Gupta, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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02.03.2016

The present writ petition has been filed challenging the letter/order dated 15th February, 2016 whereby the petitioner was directed to re-attend classes regularly with academic batch 2015-2016 in 2nd year professional MBBS course. Petitioner further seeks a direction to respondents No.1 and 2 to declare the result of the petitioner for the 2nd year examination held in November-December, 2015. Petitioner also seeks a direction to respondents No.1 and 2 to allow her to attend the classes of 3rd year of MBBS course.

Learned counsel for the petitioner states that the petitioner was detained in one subject i.e. Anatomy in 1st annual examination held in July, 2014. He further states that the petitioner was allowed to attend the classes of 2nd year and she ultimately cleared her supplementary

examination in Anatomy in July, 2015.

Learned counsel for petitioner states that on 04th February, 2016, respondent No.1 declared the result of 2nd year examination, but petitioner's result was withheld on alleged violation of Ordinance 15, Clause (ii)(a) which stipulates that a candidate can appear in the second professional only if he/she has passed the first professional examination held 18 months earlier i.e. completed 18 months training.

Learned counsel for the petitioner emphasises that the petitioner has completed 18 months training on the date she sat for the 2nd year professional MBBS examination held in November-December, 2015.

However, in the opinion of this Court, the condition precedent in Ordinance 15 Clause (ii)(a) has not been fulfilled. The relevant portion of the said Ordinance is reproduced hereinbelow:-

“(ii)(a)-The number of times of a candidate will be allowed to appear, to clear the First Professional Examinations will be as per the MCI Graduate Medical Education Regulations. A candidate appear in the second professional duty if he has passed the first professional examination held 18 months earlier, i.e., completed 18 months training.”

(emphasis supplied)

Since, in the present case, the petitioner has passed the supplementary examination of 1st year only in July, 2015, this Court is of the view that the petitioner has to attend 18 months training and the said period will start from the date of clearing the said supplementary exam i.e. July, 2015.

Consequently, this Court is of the view that there is no error in the

impugned letter/order dated 15th February, 2016. Accordingly, the present writ petition is dismissed.

MARCH 02, 2016
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MANMOHAN, J