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

+ LPA 388/2016

DEEPAK KUMAR

..... Appellant

Through: Mr. R.K. Saini with Ms. Vivya Nagpal
& Ms. Minal Sehgal, Advs.

versus

ALL INDIA INSTITUTE OF MEDICAL
SCIENCES AND ORS

..... Respondents

Through: Mr. R.K. Gupta & Mr. A.K. Singh,
Advs. for R-1, 2 & 3.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **22.06.2016**

CM No.23561/2016

Exemption allowed subject to all just exceptions.

The application stands disposed of.

LPA 388/2016 & CM No.23561/2016

Issue notice.

Mr. R.K. Gupta, learned counsel accepts notice on behalf of
respondent Nos.1, 2 and 3.

The present appeal assails an order dated 15.06.2016 in Writ
Petition (Civil) No.5678/2016, rendered by a learned Single Judge of

this Court, issuing notice to show cause why rule nisi be not issued to respondent Nos.1 to 3 in the present appeal but declining to issue notice to respondent No.4 herein, in the aforesaid Writ Petition.

Mr. Saini, learned counsel appearing on behalf of the appellant limits the relief in the present appeal to the issuance of notice in the aforesaid Writ Petition to respondent No.4 on the premise that any order rendered in the aforesaid Writ Petition may adversely affect the said respondent No.4. The other direction being sought is to the respondent No.1 to produce the video recording and other records of the second counselling before the learned Single Judge on the next date of hearing of the said Writ Petition (Civil) No.5678/2016 i.e. 13.07.2016.

Insofar as, the first prayer is concerned, we are in agreement with the submission made on behalf of Mr. Saini, learned counsel appearing on behalf of the appellant that it would be necessary to issue notice to respondent No.4, in view of the circumstance that any order rendered in the said Writ Petition may affect the rights of the said respondent. It is trite to say that no order or direction can be issued, affecting the rights of the said respondent No.4, without affording him an opportunity of being heard. Notice be therefore issued to respondent No.4 by all permitted modes, including dasti, returnable for 13.07.2016 in Writ Petition (Civil) No.5678/2016.

Insofar as, the other direction is concerned, in our view, it would suffice to direct respondent No.1-All India Institute of Medical Sciences to preserve the records including the video recording, if any,

pertaining to the second counselling session held on 13.06.2016, till the next date of hearing in the said writ petition and to await further directions of the learned Single Judge in that behalf.

In view of the above directions, the appeal is disposed of. The pending application also stands disposed of.

**SIDDHARTH MRIDUL
(VACATION JUDGE)**

**A.K. PATHAK
(VACATION JUDGE)**

JUNE 22, 2016
gm