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

+ W.P.(C) 9928/2015 & CM APPL. 24103/2015

HARSHITAA AGGARWAL Petitioner
Through Ms. Vidhyagudwani, Advocate

versus

UNION MINISTRY OF HEALTH AND
FAMILY WELFARE & ORS Respondents
Through Mr. Anuj Aggarwal, Advocate for R-
1/UOI.
Mr. R.K. Gupta with Mr. A.K. Singh,
Advocates for R-2 & 3/AIIMS.

% Date of Decision: 11th February, 2016.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

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

- “a) *Pass an order/direction including a suitable writ in the nature of Mandamus thereby directing the Respondents to give admission to the Petitioner in the MBBS course held by the Respondent No.2;*
- b) *Any other Writ order or direction, which may be deemed fit and proper on the facts and circumstances of the case and in the interest of justice.”*

2. Since it was the submission of learned counsel for petitioner that one seat is still vacant at AIIMS, Rishikesh, this Court vide order dated 22nd January, 2016 had directed learned counsel for respondent-UOI to obtain instruction.

3. Today in Court, learned counsel for respondent-UOI has handed over a letter dated 10th February, 2016 addressed to him by the Under Secretary, Government of India, Ministry of Health and Family Welfare. The said letter is reproduced hereibelow:-

“10th February, 2016

*To,
Sh. Anuj Aggarwal,
Central Government Counsel,
Off. I, B-244, Greater Kailash, New Delhi -110048*

Sub.: Writ Petition No. 9928/2015 in the matter of Ms. Harshita Aggarwal vs UoI & Ors in Delhi High Court-reg.

Sir,

I am directed to refer to your email dated 04.02.2016 on the above mentioned subject and to say that the matter was taken up with AIIMS, New Delhi. AIIMS New Delhi has informed that Hon'ble Supreme Court of India in Midurdal Dhar vs Union of India and others, has held that no admission is permissible beyond the last date of 30th September, 2015.

2. Further, open round counselling was held on 29.09.2015 and the Petitioner Ms. Harshita Aggarwal could not produce the original documents despite the clear guideline of open round counselling dated 29.09.2015. In this regard, the MCI Guidelines issued vide letter dated 22.09.2015 also refers.

*(Sunita Dhaundiyal)
Under Secretary to Govt. of India”*

(emphasis supplied)

4. The Supreme Court in number of judgments has held that no admission can be granted in any medical college after the last date for admission, i.e., 30th September, 2015. Some of the relevant judgments on this issue are :-

- a) Medical Council of India Vs. Madhu Singh and Others, (2002) 7 SCC 258 ; Paras 12, 16 to 21 & 23*
- b) Mridul Dhar (Minor) and Another Vs. Union of India and Others, (2005) 2 SCC 65 ; Paras 27, 28, 30, 32 & 35*
- c) Priya Gupta Vs. State of Chhattisgarh and Others, (2012) 7 SCC 433 ; Paras 29, 31 to 33, 36, 38, 40 to 42, 45 to 47*
- d) Royal Medical Trust (Registered) and Another Vs. Union of India and Another, (2015) 10 SCC 19 ; Para 33*
- e) D.Y. Patil Medical College Vs. Medical Council of India and Another, (2015) 10 SCC 51 ;*
- f) Poonaiyah Ramajayam Institute of Science and Technology Trust Vs. Medical Council of India and Another, (2015) 10 SCC 83*

5. Since admittedly, the last date for admission in AIIMS has lapsed, this Court is of the opinion that in view of the aforesaid judgments of the Apex Court, no relief can be granted to the petitioner. Consequently, present writ petition and pending application are dismissed.

MANMOHAN, J

FEBRUARY 11, 2016

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