

\$~32

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

+ LPA 78/2017

PATNA HOMEOPATHIC MEDICAL
COLLEGE & HOSPITAL

..... Appellant

Through: Mr.Nagendra Rai, Sr.Adv. with
Mr.Aakash Kumar and Mr.Shantanu
Sagar, Advs.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr.Rajendra Sahu with Mr.Sameer
Sharma, Advs. for R-1.
Mr.Kundan Kr.Mishra with Mr.Ajay
Kumar, Advs. for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS.JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **30.01.2017**

CM No.3736/2017 (exemption)

Allowed, subject to all just exceptions.

CM No.3735/2017 (delay of 2 days)

Heard.

In the facts and circumstances explained in the application, delay of two days in filing the appeal is condoned.

CM stands disposed of.

LPA No.78/2017

1. By the order under appeal dated 16.12.2016, the learned Single Judge dismissed CM No.43954/2016 in W.P.(C) No.11228/2016 in which the appellant/writ petitioner sought stay of the order of the first respondent dated 04.11.2016 rejecting permission for taking admission to BHMS course for

the Academic Session 2016-2017.

2. We have heard the learned counsel for both the parties.

3. As could be seen from the material available on record, the appellant/writ petitioner was denied permission on the ground of failure to remove certain deficiencies, including arranging cadaver for dissection in the Department of Anatomy.

4. The learned Senior Counsel appearing for the appellant states that though by the date of the order under appeal the appellant's application for making available a dead body for dissection in the Department of Anatomy was pending with the State Government, the appellant could now secure a cadaver and since the deficiencies have been removed, it is a fit case for considering the appellant's request for permitting the admissions for the Academic Year 2016-2017.

5. Even assuming that the plea of the appellant that the deficiencies are removed is true, having regard to the fact that the writ petition is still pending, we are of the view that it would be appropriate for the appellant to move an application in the writ petition itself for the necessary relief.

6. Accordingly, the appeal is disposed of permitting the appellant to move a fresh application in the writ petition. If such application is filed, we request the learned Single Judge to consider and decide the same in accordance with law at the earliest.

7. The appeal is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JANUARY 30, 2017/pmc