

\$~43

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

+ **W.P.(C) 430/2018 & C.M. Nos.1828/2018**

SCHOOL OF MEDICAL SCIENCES AND RESEARCH..Petitioner

Through **Mr.Sandeep Sethi, Sr. Adv. with
Mr.K.P. Gautam, Adv.**

versus

UNION OF INDIA AND ANR Respondents

Through **Ms.Sangita Rai, Adv. for R-1/UOI.
Mr.T. Singhdev, Adv. with
Ms.Amandeep Kaur, Adv., Mr.Tarun
Verma, Adv. for R-2/MCI.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

17.01.2018

Learned counsel appearing for respondent no.2/MCI, who appears on advance notice, submits that the order passed by the respondent no.2 is only a recommendation made by respondent no.2 and the final decision is yet to be taken on the said recommendation by the respondent no.1. He submits that the present petition is therefore pre-mature as a final decision is yet to be taken by respondent no.1/Union of India.

Learned Senior Counsel for the petitioner submits that though the petitioner had made a detailed representation to the respondent

no.1 pointing out the fresh modified affiliation certificate issued by the Sharda University, the respondent no.1 has not communicated any decision taken thereon and it now transpires that the matter was remanded back by the respondent no.1 to the respondent no.2 for review, who has without considering the effect of the fresh affiliation certificate dated 6th July, 2017, once again not recommended the petitioner's scheme for starting of new Post-Graduate courses in the disciplines of MS (General Surgery) for the academic session 2018-19.

In view of the aforesaid statement made by learned counsel for the respondent no.2, the learned Senior Counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach the respondent no.1/Union of India by way of a detailed representation raising its grievance that recommendations made by respondent no.2 have been once again made by overlooking the effect of the fresh affiliation certificate dated 6th July, 2017 which clearly shows that the University has consented to grant affiliation for the year 2018-19 and has also specified that the said consent was valid for three years.

Learned Senior Counsel however prays that keeping in view the time line laid down by the Hon'ble Supreme Court, the respondent no.1 be directed to dispose of the petitioner's representation expeditiously. This request of the Senior Counsel is not opposed by the learned counsel for the respondents.

It is, accordingly, directed that if a representation is made by the petitioner to the respondent no.1 within two days, the same should

be considered by the respondent no.1/Union of India within a period of five days from the date of the receipt of the representation, by passing a reasoned and speaking order which shall be communicated to the petitioner.

If the petitioner is aggrieved by the decision taken by respondent no.1/Union of India it will open from them to take legal recourse as permissible under law. Needless to say that the present order is being passed without prejudice to the rights and contentions of both sides.

The writ petition along with all pending applications, is disposed of with the aforesaid liberty and directions as withdrawn.

A copy of this order may be given *Dasti* under the signature of Court Master.

JANUARY 17, 2018/aa

REKHA PALLI, J