

\$~39

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

+ **W.P.(C) 1980/2018**

VIRENDER SINGH. Petitioner

Through: Mr.Randhir Singh Kalkal, Adv.

versus

GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr.Naushad Ahmed Khan, Adv. for
R-1.

Mr.Praveen Khattar, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **05.03.2018**

CM No.8147/2018

Exemption allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1980/2018

Vide the present petition, the petitioner who claims to have completed his MBBS degree from the Russian Federation the Federal State Autonomous Educational Establishment of Higher Education “V.I. Vernadsky Crimean Federal University” seeks a direction to the Respondent No.2 to register his name and issue a registration certificate to him so as to enable him to start his internship.

At the outset, learned counsel for the petitioner submits that though the date of birth recorded in the CBSE documents shows that his date of birth is 02.10.1994 which is also reflected in the eligibility

certificate issued by the Medical Council of India, his actual date of birth is 10.06.1993. In support of his plea, he has placed reliance on the degree obtained from V.I. Vernadsky Crimean Federal University, wherein his date of birth is recorded as 10.06.1993. He further submits that aggrieved by the erroneous recording in the CBSE documents regarding the date of birth, the petitioner had filed a suit before the Court of Civil Judge, Meham, District Rohtak which was decreed whereafter the CBSE has filed an appeal before the District Judge, Rohtak which was allowed vide order dated 06.01.2017 and aggrieved by the same, the petitioner has now preferred an RSA which is pending before the Punjab and Haryana High Court.

Learned counsel for the petitioner submits that since the decision in the RSA is likely to take time, at this stage, even though the petitioner claims that his date of birth is 10.06.1993, he will without prejudice to his contention that his actual date of birth is 10.06.1993, submit an application to respondent No.2 for his registration based on the premise that his date of birth be taken as 02.10.1994. He however, prays that the respondents may be directed to pass an appropriate order granting registration to the petitioner so that the petitioner can proceed with his internship and his medical career is not jeopardised due to the pendency of his appeal before the Punjab and Haryana High Court.

Accordingly, the writ petition is disposed of with liberty to the petitioner to submit a fresh application to respondent No.2 seeking registration on the premises that his date of birth is 02.10.1994. As and when such an application is made by the petitioner, the

respondent No.2 is directed to decide the same in an expeditious manner and subject to his fulfilling all the requisite conditions, the respondent No.2 will grant registration to the petitioner. It is however, made clear that respondent No.2 would not decline the petitioner's request for registration on the ground that the petitioner had earlier applied to them for recording his date of birth as 10.06.1993.

Needless to state that in case, the petitioner's date of birth is changed by the CBSE, he would be entitled to approach respondent No.2 for a change in his date of birth in the records of respondent No.2 also.

REKHA PALLI, J

MARCH 05, 2018

gm