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

+ W.P.(C) 2799/2016 & CM Nos. 11769/2016, 14195/2018

ALL INDIA FOREIGN MEDICAL GRADUATES
ASSOCIATION

..... Petitioner

Through : Mr. Viraj Kadam, Adv.

versus

MINISTRY OF HEALTH AND FAMILY WELFARE & ORS.

..... Respondents

Through : Mr. Kirtiman Singh, CGSC
with Mr. Waize Ali Noor,
Adv. for R-NBE
Mr. Mukul Gupta, Sr. Adv.
with Mr. Sumit Kr. Mishra,
Adv. for R-3

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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12.04.2018

CM No.14195/2018 (*condonation of delay*)

1. Heard.
2. For the reasons stated, delay of 52 days in filing the counter affidavit is condoned.
3. This application is allowed and disposed of.

W.P.(C) 2799/2016

1. This writ petition assails the appointment of Dr. Bipin Batra-respondent no.3 as the Executive Director of the National Board of Examination inter alia on the ground that he had obtained a DNB

degree fraudulently and that his initial appointment was also illegal and without authority.

2. A status report stands filed by the respondent no.2 by the National Board of Examination-respondent no.2 stating that the Board has passed a resolution dated 16th August, 2017 removing respondent no.3 from the position of Executive Director-NBE with immediate effect and also that he has been prohibited from holding any post in the NBE in any capacity till further orders.

3. Additionally we are informed in the status report that respondent no.3 continues to remain on suspension and on 12th February, 2018, a charge sheet for initiation of disciplinary proceedings stands issued to him.

4. A copy of the memorandum and charge sheet dated 12th February, 2018 has been handed over in court which is taken on record.

5. In view of the above, the prayers made in the writ petition appears to stand satisfied.

6. We are informed by Mr. Mukul Gupta, learned Senior counsel who appears for the respondent no.3 that he has assailed the orders passed by the respondent no.2 and the action taken and proposed against him by way of OA No. 1075/2018 before the Central Administrative Tribunal, Principal Bench.

7. We make it clear that we have not expressed any opinion on the merits of either the petitioner's contentions or the stand and allegations of the respondent no.2 against the respondent no.3. It

shall be open for the Central Administrative Tribunal to proceed to examine the rival contentions on their own merits and take an independent view in the matter.

8. In view of the above, this writ petition does not need to detain this court any further and shall stand disposed of.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

APRIL 12, 2018/kr