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

\+ LPA 240/2018 AND CM APPL. 17304/2018 & 17305/2018

DR. SAMRAT RAY AND ORS. ..... Appellants
Through Ms. Latika Chaudhary, Adv.

versus

NATIONAL BOARD OF EXAMINATIONS ..... Respondent
Through Ms. Maninder Acharya, ASG with Mr. Kirtiman Singh, Ms. Waize Ali Noor, Mr. Prateek Dhanda, Mr. Viplav Acharya, Mr. Sahil Sood and Mr. Saeed Qadri, Advs.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% 27.04.2018

The appellants question an order of the Single Judge whereby, while issuing notice in the writ petition, the interim relief claimed was refused.

The appellants preferred a writ petition complaining that several candidates to the DNB in Surgical Gastroenterology were not awarded proper marks in the examination held in December, 2017. According to the appellants out of 48 candidates only 21 passed and 27 of them have failed meaning that pass percentage was as low as 44%. It is contended that Rule 4.6 of the Admission Bulletin which barred re-evaluation was arbitrary and that having regard to the replies to the RTI queries, the answer-sheets of the appellants and

some other candidates were not fully marked.

Learned Single Judge had considered the submissions of the parties and by a reasoned order declined interim relief. Learned Single Judge observed that the restrictions by way of Rule 4.6 were known to the writ petitioners/appellants when they appeared for the DNB examination and consequently there was no *prima facie* strength in the claim for interim relief.

This Court has considered the submissions of the appellants and is of the opinion that having regard to the extremely restricted nature of the jurisdiction, the reasoning of the Single Judge cannot be said to be unreasonable and does not call for interference. The impugned order in no way forecloses the petitioners'/appellants' rights in the eventuality of their succeeding finally in the writ petition – the Writ Court's powers are wide to mould an appropriate relief.

The appeal for the above reasons is without merit and consequently dismissed. All the pending applications also stand disposed of.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 27, 2018
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