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

+ W.P.(C) 5362/2018 & C.M. No. 20798/2018

THE OXFORD MEDICAL COLLEGE, HOSPITAL AND

RESEARCH CENTRE AND ANR.

..... Petitioner

Through Mr.Nidhesh Gupta, Sr.Adv with
Mr.Rohit Bhat, Adv.

versus

UNION OF INDIA AND ANR.

..... Respondent

Through Ms.Monika Arora, Adv for R-1.
Mr.T.Singhdev with Ms.Puja Sarkar, Adv for R-
2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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23.05.2018

Vide the present petition, the petitioner has impugned the order dated 01.05.2018, whereby the respondent no.1 has, by relying on the respondent no.2's recommendations dated 28.03.2018, rejected the petitioner's scheme for renewal of permission for admission of the 5th batch of MBBS students in the academic session 2018-19.

On the last date, this Court had, after hearing the learned counsels for the parties at some length, come to a prima facie view that the impugned order did not show application of mind and was a mere reiteration of the recommendations made by respondent no.2. At that stage, learned counsel for the respondent no.1 had sought time to get instructions.

Today, Ms.Monika Arora, learned counsel for respondent no.1, on instructions submits that, in view of the fact that the impugned order does not contain any specific reasons and merely reiterates the findings of the respondent no.2, respondent no.1 has no objection if the said order is set aside and the matter is remanded back to the respondent no.1, for passing a fresh reasoned and speaking order.

At this stage, learned Senior Counsel for the petitioner submits that, since the recommendations of respondent no.2 are based on a compliance verification assessment dated 22.03.2018, the details of which were not available with respondent no.1 when the petitioner had been earlier given a hearing, the petitioner had no occasion to explain its position as regards the deficiencies pointed out for the first time in the compliance verification assessment dated 22.03.2018. He, therefore, contends that the respondent no.1 be directed to grant a personal hearing to the petitioner before passing a fresh order.

Learned counsel for the respondent no.1 opposes the prayer of the learned Senior Counsel for the petitioner for grant of another hearing and contends that the scheme of the Act provides for only one opportunity of hearing.

Having heard the learned counsels for the parties, I am of the opinion that, keeping in view the scheme of the Act, at this stage it may be appropriate to grant an opportunity to the petitioner to make a fresh representation to respondent no.1 within two days, in respect of the deficiencies pointed out for the first time in the compliance verification assessment report, which representation ought to be considered by the respondent no.1, while passing a reasoned and

speaking order.

Accordingly, the order dated 01.05.2018 is quashed and the matter is remanded back to the respondent no.1 to reconsider the petitioner's scheme and pass a reasoned and speaking order thereon within five days of receiving the petitioner's representation against the deficiencies pointed out in the compliance verification assessment. It is made clear that while passing a final order, the respondent no.1 will duly consider the petitioner's fresh representation also. In case, the respondent no.1 requires any further clarification from the petitioner, it would be free to do so, in the manner it deems fit.

Needless to say, the present order has been passed without prejudice to the rights and contentions of the parties and, in case, the petitioner is still aggrieved by the order passed by respondent no.1, it will be open to it to take legal recourse as permissible under law.

It is made clear that, since the legality of any earlier report/order passed by respondent no.2 has not been examined by this Court, the petitioner will also have liberty to challenge the same at a subsequent stage, if the need so arises.

The writ petition alongwith pending application are disposed of in the above terms.

Dasti under the signatures of Court Master.

REKHA PALLI, J

MAY 23, 2018

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