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

+ W.P.(C) 5397/2018 & C.M. Nos.20952-53/2018.

DR SNEHA PRAKASH

..... Petitioner

Through Mr.R.K.Saini, Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through Mr.Amit Mahajan with Mr.Madhav Chmali, Advs for UOI with Dr.B.Srinivas, Officer UOI.

Mr.Mohinder JS Rupal with Mr.Prang Newmai, Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.05.2018

At the oral request of learned counsel for the petitioner, respondent no.4 is deleted from the array of parties.

Vide the present petition, the petitioner has sought quashing of communication dated 15.05.2018 of the respondent nos.1 and 2, whereby the said respondents have rejected the petitioner's request to resign from the seat in M.S.(Ophthalmology) at Lady Harding College/respondent no.3, which had been allotted to her in the first round of counselling under the All India Quota, on the basis of her performance in NEET (PG).

Mr.R.K.Saini, learned counsel for the petitioner, submits that though the petitioner had been allotted the aforesaid seat in the first

round of counselling under the All India Quota, her status had remained the same even in the second round of counselling though she had opted for an upgradation in the second round.

Mr.Saini further submits that based on her performance in the independent entrance examination conducted by All India Institute of Medical Sciences (hereinafter referred to as AIIMS), the petitioner has secured an All India Rank '5' in the General category and would, therefore, be eligible to be allotted a seat in a subject of her choice in AIIMS, which is a premier institution of the country. The petitioner had, therefore, approached the respondent no.1 with a request to permit her to resign from the seat allotted to her in Lady Harding so that she could participate in the counselling to be held by AIIMS.

Mr.Saini submits that at the time of taking admission in Lady Harding College, Delhi University, the petitioner had furnished a bond, whereby she had undertaken to pay a sum Rs.10 lakhs in case she leaves the said course of M.S.(Ophthalmology) before its completion. He submits that the petitioner is ready to pay the aforesaid sum of Rs.10 lakhs to the Registrar, Delhi University and, therefore, contends that there is no reason as to why the petitioner could not be allowed to leave the seat allotted to her in Lady Harding College.

Mr.Amit Mahajan, learned counsel for respondent no.1, who appears on advance notice, upon instructions from Dr.B.Srinivas, Additional Director General of respondent no.1, submits that in the peculiar facts of the present case, the respondent no.1 has no objection in permitting, the petitioner to vacate the said seat, as that

would enable the respondents to include the same in the mop-up counselling, which is scheduled to be held on 26.05.2018.

In view of the aforesaid statement on behalf of respondent no.1, learned counsel for the petitioner does not wish to press the present petition any further.

In these circumstances, it is agreed between the parties that, subject to the petitioner depositing a sum of Rs.10 lakhs with respondent no.2 on 19.05.2018, her resignation from the seat in Lady Harding College would stand accepted and her original documents would be immediately returned to her by respondent no.2, so to enable her to take part in the counselling to be conducted by AIIMS.

Needless to say that the aforesaid statement has been made by respondent no.1 in the peculiar facts of the case and will not act as a precedent.

The writ petition alongwith pending applications stands disposed of in the above terms with no order as to costs.

Dasti under the signature of Court Master.

REKHA PALLI, J

MAY 18, 2018

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