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

+ **W.P.(C) 5589/2018 & C.M. Nos.27799-27800/2018**

DR. ANKIT AGGARWAL Petitioner
Through **Mr.Ankur Chhibber, Adv.**

versus

UNION OF INDIA AND ORS. Respondents
Through **Ms.Suman Chauhan, Adv. for R-1 & 2.**
Mr.Kirtiman Singh, Adv. with
Mr.Waize Ali Noor, Adv. &
Mr.Prateek Dhanda, Adv. for R-3/NBE.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **24.05.2018**

Vide the present petition, the petitioner has sought quashing of notification dated 16th May, 2018 (hereinafter referred to as the 'Impugned Notification') whereby the respondents have taken a decision to discontinue the DNB Post Diploma (Emergency Medicine) Course from January, 2018 after completing the examination. The petitioner has also sought a direction to the respondents to continue the aforesaid course for the academic session of January, 2018 and thereafter call the petitioner for its counselling and if found eligible, grant him a seat in the aforesaid course.

Learned counsel for the petitioner submits that the petitioner had secured 27th rank in the Clinical Pathology in the Post Diploma

Centralized Entrance Test and, therefore, based on his rank, he was entitled to be allotted a seat in DNB (Clinical Pathology) in the first round of counselling itself held on 12th April, 2018. He submits that the petitioner, however, did not opt for the said seat only because of a specific Clause 13.7 in the Information Bulletin, which clearly states that candidates who opt for a confirmed seat in the first round of counselling, will not be eligible to participate in any subsequent rounds of counselling irrespective of their joining/non-joining/resignation from the seat already opted. He submits that, thus, even though the petitioner was eligible to get a seat of his choice in DNB Clinical Pathology in the 1st counselling, he did not opt for the same as he was very keen to opt for DNB Post Diploma in Emergency Medicines, which as per past practice was to be offered only after 1st counselling. He, thus, contends that the issuance of the Impugned Notification, whereby the respondents have, after holding the 1st round of counselling, taken a decision to discontinue the DNB (Emergency Medicine) course from January, 2018 onwards at this belated stage, has caused grave prejudice to the petitioner.

On 23rd May, 2018, when the matter was listed for preliminary hearing before this Court, Mr. Kirtiman Singh, learned counsel who was appearing on advance notice for respondent no.3, had sought time to get instructions. Today, upon instructions, Mr.Singh submits that the decision to discontinue the DNB Post Diploma (Emergency Medicine) Course from January, 2018, was a considered decision taken by the respondents upon evaluating all relevant factors and the petitioner has no vested right to seek admission in a course which has

been discontinued. He, however, submits that the petitioner would still be eligible to take part in the second round of counselling for the now available seats in the DNB Post Graduate Diploma in Clinical Pathology. He has handed over a chart showing the seats in various colleges in which the petitioner would still be eligible to join the DNB PG Diploma in Clinical Pathology. He, however, points out that there are some other similarly placed candidates who are still higher in merit than the petitioner and, would, like the petitioner, also be permitted to take part in the second round of counselling and allotted seats as per their merits against the available seats of Diploma in Clinical Pathology in the second round of counselling.

In view of the aforesaid submission made by learned counsel for respondent no.3, learned counsel for the petitioner does not wish to press this petition any further.

The petition and applications are dismissed as not pressed. The respondents will remain bound by their statements.

REKHA PALLI, J

MAY 24, 2018/aa