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

+ **W.P.(C) 5638/2018**

DR. ANAND BHARDWAJ

..... Petitioner

Through Mr.Suresh Chandra Sati with
Mr.S.K.Srivastava, Advs.

versus

JLN MEDICAL COLLEGE AND ORS.

..... Respondent

Through Mr.Salim A.Inamdar, Adv for R-1.
Mr.Abhay Prakash Sahay, CGSC with Mr.Suraj
Kr., Adv for R-3.
Mr.Kirtiman Singh with Mr.Waize Ali Noor, Adv
for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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28.05.2018

Vide the present petition, the petitioner, has sought a direction to the respondent no.1/college to return all his original documents and refund the entire amount of Rs.33,70,000/- to him.

The case as set-up by the petitioner is that based on his performance in the NEET PG Entrance Examination, on 17.03.2018, the petitioner appeared in the first round of the counselling held by respondent no.3 and deposited Rs.2 lakhs as counselling fees. As a result thereof, the petitioner was allotted a seat in M.S.(General Surgery) in respondent no.1 on 28.03.2018.

It is further averred in the petition that on 02.04.2018, the petitioner had also deposited a sum of Rs.75,000/- alongwith

Rs.15,000/- as admission and hostel fees alongwith all his original documents with the respondent no.1. Consequently, the petitioner appeared in the second round of counselling, conducted by respondent no.3 on 09.04.2018 and 10.04.2018, where he did not get desired upgradation and, therefore, deposited the remaining amount of Rs.30,80,000/- with respondent no.1 and has thus deposited a total sum of Rs.33,70, 000/- with respondent no.1.

On 02.05.2018, the petitioner submitted his resignation from the M.S.(General Surgery) course in respondent no.1, whereafter he had made various requests to the respondents to return his fees and original documents and upon the same not being done, the present petition has been filed.

On 24.05.2018, the learned counsels for the respondents had sought time to seek instructions.

Today, learned counsel for the respondent no.3 submits that he has instructions to state that, the petitioner may be permitted to vacate the seat in M.S.(General Surgery) course in the respondent no.1, as the same would then be included by the respondents in the stray round counselling, which is scheduled to be held on 29th & 30th May, 2018.

In view of the aforesaid fair stand taken by respondent no.3, learned counsel for the respondent no.1 submits that the original documents of the petitioner would be released to the petitioner-in-person tomorrow itself i.e. on 29.05.2018 and as regards the refund of fees, the counsel for the respondent no.1 assures the Court that, in case, the said seat is filled up in the stray round counselling an amount of Rs.33,55,000/- would also be refunded to the petitioner

after deducting Rs. 15,000 as per Rules.

In view of the aforesaid statement made by learned counsels for the respondents, learned counsel for the petitioner on instructions from the petitioner, does not wish to press the present petition.

It is, however, made clear that, in case the seat vacated by the petitioner is not filled up for any reason, whatsoever, the petitioner would not be entitled to any refund of amount but he would still be entitle to receive back all his original documents submitted with respondent no.1.

The present petition is disposed of in the above terms.

Dasti under the signature of Court Master.

REKHA PALLI, J

MAY 28, 2018

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