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

+ W.P.(C) 5687/2018 & C.M. No.22125/2018

DR. RADHIKA RAJEEV

Through

..... Petitioner

Mr.Manan Kumar Mishra, Sr. Adv.
with Mr.Anjani Mishra, Adv.,
Ms.Anjul Dwivedi, Adv., Mr.Jitender
K. Yadav, Adv. & Mr.Ujjwal, Adv.

Versus

UNION OF INDIA AND ORS.

Through

..... Respondents

Mr.Ashim Sood, Adv. for R-1 & 4.
Mr.T. Singhdev, Adv. with Mr.Tarun
Verma, Adv., Ms.Puja Sarkar, Adv. &
Ms.B. Das, Adv. for R-2/MCI.
Ms.Ekta Sikri, Adv. with Mr.Jasbir
Bidhuri, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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24.05.2018

At the oral request of learned senior counsel for the petitioner, respondent no.5 is deleted from the array of parties.

Vide the present petition, the petitioner has *inter alia* sought a direction to the respondents to permit her to resign from MD (Paediatrics) in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi. The petitioner has also sought release of her

original documents as they are required by her to participate in the counselling to be held by AIIMS.

It is an admitted position that the petitioner, based on her performance in NEET PG, 2018, had taken admission in MD (Paediatrics) in the aforesaid college affiliated with respondent no.3/University under the All India Quota and had also deposited her original documents. Learned senior counsel for the petitioner submits that subsequently 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 '2' in the General category and would, therefore, be eligible for allotment of a seat in the 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 Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi so that she can participate in the counselling to be held by AIIMS.

Mr.Mishra submits that at the time of taking admission in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi, the petitioner had furnished a bond, whereby she had undertaken to pay a sum of Rs. 3 lakhs in case, she leaves the said course of M.D. (Paediatrics) before its completion. He submits that the petitioner is ready to pay the aforesaid sum of three lakhs to the Registrar, Guru Govind Singh Indraprastha University and, therefore, contends that there is no reason as to why the petitioner could not be

allowed to resign from the seat allotted to her in the said Institution.

Learned counsel for respondent no.3/University submits that the resignation by the petitioner at this stage, would cause prejudice to the respondent no.3/University as the mop up counselling is already over and other meritorious students, who would have been eligible to take up this seat, have been deprived of the said seat, which would now necessarily be transferred to the State quota.

Mr.Ashim Sood, Advocate who appears on behalf of respondent nos.1 & 4, submits that he has instructions to state that in view of the peculiar facts of this case, subject to the petitioner depositing the bond amount of Rs.3 lakhs with respondent no.3/University, the said respondents have no objection if the petitioner is permitted to resign from the seat of M.D (Paediatrics) in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi.

In view of the aforesaid statement made by the learned counsel for respondent nos.1 & 4, 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.3 lakhs with respondent no.4 on 25.05.2018, her resignation from the seat of M.D (Paediatrics) in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi would stand accepted and her original documents would be immediately returned to her by respondent no.4, so as 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 nos.1 & 4 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 24, 2018/aa