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

+ **W.P.(C) 5821/2018 & C.M. No.22619/2018**

DR. BENJAMIN LALFAKMAWIA Petitioner
Through **Mr.Manan Kumar Mishra, Sr. Adv.**
with Mr.Anjani Kr. Mishra,
Ms.Anjul Dwivedi, Mr.Jitender
K. Yadav, & Mr.Ujjwal Tewari,
Advts.

Versus

UNION OF INDIA AND ORS. Respondents
Through **Mr.Ripu Daman Bhardwaj, Adv. for**
R-1 & 4.
Mr.T. Singhdev, with Mr.Tarun
Verma, Adv., Ms.Puja Sarkar, Adv.
R-2/MCI.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% 25.05.2018

Vide the present petition, the petitioner has *inter alia* sought a direction to the respondents to permit him to resign from MD (Radio-Diagnosis) in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi. The petitioner has also sought release of his original documents as they are required by him to participate in the counselling to be held by AIIMS.

It is an admitted position that the petitioner, based on his performance in the NEET PG, 2018, had taken admission in MD (Radio-Diagnosis) in the aforesaid college affiliated with respondent

no.3/University under the All India Quota and had also deposited his original documents. Learned senior counsel for the petitioner submits that subsequently based on his 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' and would, therefore, be eligible for allotment of a seat in the subject of his 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 him to resign from the seat allotted to him in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi so that he 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 he had undertaken to pay a sum of rupees three lakhs in case, he leaves the said course of M.D. (Radio-Diagnosis) 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 him in the said Institution.

Mr.Ripu Daman Bhardwaj, 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 (Radio-Diagnosis) 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 by 26.05.2018, his resignation from the seat of M.D (Radio-Diagnosis) in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi would stand accepted and his original documents would be immediately returned to him by respondent no.4, so as to enable him 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 25, 2018

gm