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

+ W.P. (C) 6410/2018

DR. SIVAVIGANESH K. E. Petitioner
Through: Mr.Vivek Singh, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr.Gaurav Rohilla, Adv./UOI
Mr.Amit Bansal with Ms.Seema
Dolo, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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01.06.2018

C.M. No. 24631/2018 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6410/2018 & C.M. No. 24630/2018

Vide the present petition, the petitioner has sought a direction to the respondents to accept his resignation tendered on 26th May, 2018, from the course of MD (Anaesthesiology) at Maulana Azad Medical College, Delhi and to release his original documents submitted by him at the time his admission.

Mr. Vivek Singh, learned counsel for the petitioner, submits that the petitioner, based on his performance in NEET PG examination, had secured admission in MD (Anaesthesiology) course in Maulana Azad Medical College, Delhi. He submits that however, the petitioner, being desirous of joining the college of his own choice, thereafter appeared in a separate

entrance test being the Jawaharlal Institute Postgraduate Medical Education and Research, Puducherry-Post Graduate Course, 2018 (JIPMER PG) Examination and secured an All India Rank '14' and, therefore, was eligible to be allotted a seat in the subject of his choice in JIPMER PG. The petitioner had, therefore, approached the respondent no. 3 and tendered resignation vide letter dated 26.05.2018 from the seat allotted to him in Maulana Azad Medical College, Delhi so that he could participate in the counselling to be held by JIPMER PG.

Mr. Singh submits that at the time of taking admission at Maulana Azad Medical College, Delhi, the petitioner had furnished a Surety Bond dated 31.03.2018, whereby he had undertaken to pay a sum of Rs. 10,00,000/- , in case, he leaves the course of MD (Anaesthesiology) before its completion. He further submits that the petitioner has, on 28.05.2018, already paid the aforesaid sum of Rs. 10,00,000/- to the Dean, Maulana Azad Medical College, New Delhi and, therefore, contends that there is no reason as to why the petitioner could not be allowed to leave the seat allotted to him in Maulana Azad Medical College, New Delhi.

Mr. Gaurav Rohilla, learned counsel, who appears on advance notice for respondent No.1, submits that though this Court had permitted similarly situated persons to resign from their respective courses and take part in AIIMS counselling, but in the present case, in view of the delay on the part of the Petitioner in approaching this Court, the petitioner may be put to term since the seat which will be vacated by the petitioner is likely to go a waste.

In view of the fact that the last date of All India Quota counselling is over, however, having considered the fact that the petitioner had tendered his resignation on 26th May, 2018 and even the surety amount of

Rs.10,00,000/- had been accepted by the Respondent No.3/College on 30.05.2018, I am of the view that even though the petitioner is entitled to resign from his course in order to take part in counselling at JIPMER PG, he ought to be put to terms.

Accordingly, subject to the petitioner paying a further sum of Rs.5,00,000/- to the respondent No.3 within three days, all his original documents submitted by him at the time of his admission, will be immediately released to him.

The petition alongwith pending application is disposed of in the aforesaid terms.

Order *dasti* under the signature of the Court Master.

REKHA PALLI, J.

JUNE 01, 2018
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