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

+ W.P.(C) 6542/2018 & C.M. No.24971/2018

DR SHIVAPRASAANTH M & ORS

..... Petitioner

Through Mr.Manan Kr.Mishra, Sr.Adv with
Mr.Anjani Kr.Mishra and Ms.Anjul Dwivedi,
Mr.Ujjwal Tewari, Mr. J.K. Yadav,Advs.

versus

UNION OF INDIA & ORS.

..... Respondent

Through Mr.Ripu Daman Bhardwaj, Adv for
R-1.

Mr.T.Singhdev with Ms.Biakthansangi, Advs for
R-2.

Ms.Ekta Sikri with Mr.Jasbir Bidhuri, Advs for R-
3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.06.2018**

The present writ petition has been taken up, upon urgent mentioning by the orders of Hon'ble the Acting Chief Justice.

Vide the present petition, the petitioners have sought a direction to the respondents to permit them to resign from Post Graduate (P.G.) Courses at Vardhman Mahavir Medical College (VMMC) and Safdarjung Hospital, New Delhi and to release their original educational degree certificates and documents alongwith surety to enable them to take admission in PG Course, in All India Institute of Medical Sciences (AIIMS).

Mr.Manon Kr.Mishra, learned senior counsel for the petitioners submits that the petitioners, based on their rank in NEET PG examination, had secured admission in the PG Surgery and PG Sports

Medicines in VMMC & Safdarjung Hospital in the first round of counselling. He further submits that the petitioners had thereafter appeared in an independent entrance examination conducted by AIIMS and had secured good ranks and, therefore, they were eligible to be allotted a seat in the subject of their choice in AIIMS, which is a premier institution of the Country. The petitioners had, therefore, approached the respondent no.3 with a request to permit them to resign from the seat allotted to them in VMMC & Safdarjung Hospital so that they could participate in the counselling to be held by AIIMS.

Mr.Mishra, submits that at the time of taking admission at VMMC & Safdarjung Hospital, each of the petitioners had furnished a bond, whereby they had undertaken to pay a sum of Rs.3,00,000/-, in case, they leave from their respective P.G. courses before its completion. He further submits that the petitioners are ready to pay the aforesaid sum of Rs.3,00,000/- to the Registrar, Guru Govind Singh, Indraprastha University and, therefore, contends that there is no reason as to why the petitioners could not be allowed to leave the seat allotted to them in VMMC & Safdarjung Hospital.

Mr.Ripu Daman Bhardwaj, 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 petitioners in approaching this Court, the petitioners may be put to terms since the seats which will be vacated by the them at this belated stage are likely to go a waste.

Ms.Ekta Sikri, learned counsel for the respondent no.3 vehemently opposes the prayer sought by the petitioners on the ground that the last date of All India Quota counselling is already over.

In view of the fact that the last date for All India Quota counselling is over, I am of the view that even though the petitioners are entitled to resign from their respective courses in order to take part in the counselling at AIIMS, they ought to be put to terms.

Accordingly, subject to each of the petitioners paying the surety amount of Rs.3,00,000/- with a further sum of Rs.5,00,000/ to respondent No.3 within three days, all the original documents submitted by them at the time of their admission, will be immediately released to them.

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/sr