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

+ W.P.(C) 6683/2018 and CM Nos. 25419/2018 and 25420/2018

DR YUGANKI KUSH Petitioner

Through: Mr. Kshitij Kumar, Advocate.

versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY & ANR
..... Respondents

Through: Ms. Anita Sahani, Advocate for R-1.
Mr. Ripu Daman Bhardwaj, Advocate
for R-2 and 3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **27.06.2018**

Vide order dated 25.06.2018, the petitioner was granted liberty to implead Ministry of Health and Family Welfare as a party respondent and file an amended memo of parties. However, the same has not been filed. Learned counsel for the petitioner handed over the copy of the same in the Court today. The same is taken on record.

Vide the present petition, the petitioner has sought a direction to the respondents to permit them to resign from the Post Graduate Course at Vardhman Mahavir Medical College and to release her original educational degree certificate documents to enable her to take admission in the Post Graduate Course in PGIMER, Chandigarh.

Learned counsel for the petitioner submits that the petitioner based on her rank in NEET-PG examination had secured admission in

Anesthesiology in the Vardhman Safdarjung Hospital on 31.05.2018. Thereafter, he submits that the petitioner based on an independent entrance examination conducted by PGIMER, secured a very good rank and has already taken part in the counselling carried out by the PGIMER in which she has tentatively been allotted the seat of MS Ophthalmology. He further submits that at the time of taking admission in Vardhman Safdarjung Hospital, the petitioner has furnished a bond undertaking to pay a sum of Rs. 3,00,000/- in case she leaves her Post Graduate course before its completion and, therefore, contends that the petitioner is ready to pay the aforesaid sum of Rs. 3,00,000/- to the Registrar of the Respondent No. 1/University. He, therefore, prays that the respondent be directed to release the original documents of the petitioner in order to enable her to take admission in PGIMER where she has already been allotted a seat in MS Ophthalmology.

Mr. Ripu Daman Bhardwaj, learned counsel for respondent 2 and 3, who appears on advance notice, submits that even though the petitioner may be justified to some extent in seeking to join PGIMER because she claims to have been allotted a course of her choice in the said Institute, the seat now being vacated by the petitioner is likely to go waste and, therefore, submits that the petitioner should be put to exemplary costs. In this regard, he places reliance on an order dated 01.06.2018 passed by this Court in WP(C) 6542/2018.

Having considered the rival contentions of the parties and having perused the order passed in WP(C) 6542/2018, I am of the view that keeping in view the peculiar facts of the present case even

though the petitioner is indeed entitled to seek return of her documents but she ought to be put to the same terms as had been imposed on the petitioner in the aforesaid case.

Accordingly, subject to the petitioner paying the surety amount of Rs. 3,00,000/- to respondent no. 2/College and a further sum of Rs. 5,00,000/- to respondent no.1/university within two days, all the original documents submitted by her at the time of admission would be immediately released to her, by respondent no. 2.

The petition stands disposed of in above terms.

A copy of this order be given *dasti* to learned counsel for the parties under the signature of Court Master.

REKHA PALLI
(VACATION JUDGE)

JUNE 27, 2018

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