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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 10th May, 2019

W.P. (C) 9789/2018

MISS ANANYA KUMAR THROUGH NATURAL GUARDIAN
AND NATURAL FATHER SH. ARUN KUMAR Petitioner

Through Ms. Jasvinder Kaur, Advocate (M)
9312836524.

versus

REGISTRAR, GURU GOVIND SINGH INDRAPRASTHA
UNIVERSITY (GGSIPU) NEW DELHI & ORS. Respondents

Through None

Advocates who appeared in this case:

For the Petitioner : Ms. Jasvinder Kaur, Advocate.

For the Respondent : None

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (OPEN COURT)

1. The present petition seeks review of the order dated 17th September, 2018 (hereinafter referred to as 'the said order'), albeit belatedly, on the ground that, there is an error apparent in the said order rendered by this Court in W.P. (C) No. 9789/2018, titled as "*Miss*

Ananya Kumar through Natural Guardian and Natural Father Sh. Arun Kumar vs. Registrar, Guru Govind Singh Indraprastha University (GGSIPU), New Delhi & Ors.”

2. In order to appreciate the submission made on behalf of the review petitioner, the said order is hereinbelow extracted:-

“After some arguments, learned counsel appearing on behalf of the petitioner seeks leave to withdraw this petition.

Leave granted.

The present petition is dismissed as withdrawn and disposed of accordingly. Pending application also stands disposed of.”

3. A perusal of the above order leaves no manner of doubt that, learned counsel appearing on behalf of the petitioner after addressing some arguments, sought leave of this Court to withdraw the writ petition. The petition was consequently dismissed as withdrawn.

4. The submission made on behalf of the review petitioner is predicated on the averments made in paragraph 2 of the review application. The same is reproduced hereinbelow for the sake of felicity.

“2. That the above noted writ petition no.9789/2018 was disposed of at the admission stage itself as the liberty to

withdraw the writ was granted to the counsel. However, after hearing the arguments tendered by the Counsel of Petition, this Hon'ble Court was of opinion that to bring any change in the policy of MCI (Medical Council of India), the Petitioner may bring forth the proposed changes before MCI and thereafter the Council may look into the same and consider it accordingly. On this note the counsel for the Petitioner sought liberty to withdraw the matter, which was accordingly allowed. True copy of Order dated 17/09/2018 is annexed as Annexure P-1."

5. A plain reading of the above extracted paragraph in conjunction with the order under review, rendered by this Court, clearly and unequivocally reflects that, no opinion as averred in the said paragraph was expressed by the Court whilst dismissing the writ petition as withdrawn on the specific statement of counsel for the petitioner.

6. It is stated on behalf of the review petitioner that, she thereafter addressed a legal notice to the Medical Council of India, a copy of which has not been annexed to the present review petition, which has remained unanswered and consequently, the review petitioner wants to agitate the issue that arose in the original writ petition afresh.

7. It is an admitted position that, when the petition was dismissed as withdrawn, after some arguments on behalf of the learned counsel for the

original writ petitioner, in the original writ petition, no liberty to institute a fresh petition was ever sought or granted.

8. There has further been a delay of about 136 days in instituting the present review petition.

9. In addition, it is observed that, it is speciously asserted, that the Court verbally advised the petitioner, to communicate grievances regarding counseling and admission to MBBS Course, to the Medical Council of India, which submission is neither borne out from the record nor supported by any documents *aliunde*.

10. Lastly, it is prayed that, this Court may direct the Medical Council of India and the Guru Govind Singh Indraprastha University (GGSIPU), New Delhi to reserve a seat for the petitioner for the current academic session 2019-2020. In this behalf, it is observed that the last date for admissions to Medical Colleges for the previous academic session, which has long since gone past, has been held to be sacrosanct by the Hon'ble Supreme Court of India and all stake holders have been directed to follow the schedule of admission in letter and spirit, without any deviation

whatsoever. Further, the relief now prayed for cannot be granted in the writ petition which was dismissed as withdrawn vide the order dated 17/9/2018.

11. From the foregoing, it is axiomatic that, there is no error apparent on the face of the order under review, entitling the review petitioner to maintain the present proceeding; a *fortiori* in the circumstance that the petitioner herself withdrew the writ petition, after some arguments without praying for liberty to institute a fresh proceeding founded on the same cause of action. In addition, the review petition is inordinately delayed and beyond the cut-off date prescribed for admission to Medical Colleges in MBBS Courses. The relief of reserving a seat for the review petitioner, cannot be granted in any case. The review petition being bereft of merit is, therefore, dismissed.

**SIDDHARTH MRIDUL
(JUDGE)**

**MAY 10, 2019
RS**