

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9680 of 2018

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Swapnil, D/o Sri Rajesh Kumar, Resident of Mohalla-Kamla Niwas, Nawa Garhi, Old Jain Temple Lane, P.S.-Bishnu-Pad, Head Post office in the District of Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Health, Government of Bihar, Patna.
4. The Registrar, Aryabhatta Knowledge University, Patna.
5. The Principal, Government Medical College, Bettiah, West Champaran.
6. The Principal, A.N. Magadh Medical College, Gaya, Bihar.
7. The Medical Council of India, Through Assistant Secretary, Pocket-14, Sector-8, Dwarka, New Delhi 110077

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shilpi Keshri, Advocate
For the Respondent/s	:	Mr.P.N. Shahi- A.A.G. 6
For M.C.I.	:	Mr. Kumar Brijnandan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 08-10-2020 Petitioner prays for the following relief(s):-

“For declaring Clause 6 (4) of
“Regulations on Graduate Medical Education, 1997”
framed under Section 33 of The Medical Council Act,
1956 as ultra-vires to the Constitution of India on the
ground that the same is against the principle of natural
justice as well as absolutely arbitrary and is not a good
law as it doesn’t provides ‘condonation clause’ for
condoning the delay of more than 30 days if there is
genuine ground which has caused the delay beyond



his/her control, for the purpose of filing of migration application for his/her transfer from one medical college to another medical college on genuine ground and further it also violates Article 14 of the constitution of India and further for issuance of a consequential writ in the nature of mandamus directing the respondent no.2 to allow the petitioner for her migration from Medical College, Bettiah, West Champaran to A.N. Magadh Medical College, Gaya to continue her further education in second year M.B.B.S. course and further for quashing the order dated 21/02/2017 passed by respondent no.2 as contained in Annexure no. 7 whereby and where under the petitioner's application for her aforesaid migration had been rejected as it was filed 6 days over and above 30 days as prescribed under the Regulation."

Learned counsel fairly states that during the pendency of the present petition, petitioner's grievances stand redressed. As such, the matter has become infructuous and be permitted to be withdrawn.

Permission granted.

Petition is dismissed as withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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