

\$~65

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

+ W.P.(C) 643/2020 & CM No.1822/2020

MANSUR BADAGI THROUGH: HIS FATHER / PAIROKAR

..... Petitioner

Through: Mr.Avijit Mani Tripathi, Adv.

versus

BOARD OF GOVERNORS IN SUPERSESSION OF MEDICAL
COUNCIL OF INDIA

..... Respondent

Through: Mr.T.Singhdev, Ms.Puja Sarkar,
Mr.Tarun Verma, Mr.Abhijit
Chakravarty, Ms.Sumangla Swami
and Ms.Manpreet Kaur, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

17.01.2020

This petition has been filed by the petitioner *inter-alia* challenging the order dated 02.06.2019 passed by the respondent holding the petitioner as ineligible for admission in MBBS Course in terms of Clause 4(2)(a) of the Graduate Medical Education Regulations, 1997 (GME) and denying him the Eligibility Certificate under Section 13(4B) of the Indian Medical Council Act, 1956.

It is the case of the petitioner that the petitioner has passed the Senior Secondary (Intermediate) Examination from the National Institute of Open Schooling (NIOS) in the year 2015 with Physics, Chemistry, Biology and English. The petitioner is also having B.Sc Nursing Degree from Rajiv Gandhi University of Health Sciences, Karnataka. Relying upon the

judgment dated 11.05.2018 of the Division Bench of this Court in WP(C) 1813/2018, titled *Anshul Aggarwal v. Union of India & Ors.*, it is submitted that the proviso to Clause 4(2)(a) of the Regulation disqualifying recognized Open School Board candidates has been struck down by this Court.

The learned counsel for the respondent, who appears on an advance notice, in fact, fairly brings to the notice of this Court order dated 31.10.2019 passed by the learned Single Judge of this Court in WP(C) 3583/2018, titled as *Patnam Azeez v. Medical Council of India and Anr.*, wherein, having taken cognizance of the judgment passed by the Division Bench of this court, the following directions were passed:

- “a) *The petitioner will make a representation via his father (as the petitioner is located outside the country) for issuance of an eligibility certificate;*
- b) *The representation will be made within one week of the receipt of a copy of this order;*
- c) *The respondent will dispose of the representation within two weeks from the date of receipt of the representation.”*

In view of the above, the present petition is disposed of passing the similar directions as has been mentioned hereinabove.

Needless to add, if the petitioner is still aggrieved after the disposal of the representation made to the respondent, he will have liberty to take recourse to an appropriate remedy as per law.

NAVIN CHAWLA, J

JANUARY 17, 2020/Arya