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

+ W.P.(C) 717/2020

ARASHDEEP SINGH

..... Petitioner

Through : Mr. Rajiv Dewan, Ms. Hema Tuli and
Mr. Angad Singh, Advs.

versus

UNIVERSITY OF DELHI AND ORS. Respondents

Through : Mr. Mohinder J.S. Rupal and
Mr. Kousik Ghosh, Advs. for
University of Delhi.

Mr. T. Singhdev, Ms. Puja Sarkar, Ms.
Arunima Pal, Mr. Abhijit Chakravarty,
Ms. Michelle B. Das and Ms.
Sumangla Swami, Advs. for R-3/MCI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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30.01.2020

1. The following substantive reliefs are sought in the writ petition :

“(a) To issue an appropriate writ order or direction and more particularly a writ in the nature of mandamus directing respondents, their officers, agents and servants to declare the petitioner as pass in Paper No.I (Anatomy) of First Professional MBBS Supplementary Examination, 2019 in terms of regulation 12(4)(d) of Medical Council of India Regulation on Graduate Medical Education 1997 as well as in accordance with the law laid down by the Hon'ble Supreme Court in case titled as Maharashtra University of Health Versus Paryani Mukesh Jawaharlal & Ors.(Appeal (Civil) No.3883 of 2006) reported as (2007) 10 SCC 201 and by this Hon'ble Court in its judgment dated 02.04.2019 passed in W.P (C) No.1834/2019 titled as Poonam Chaurasia Versus University of Delhi & Ors.

(b) Issue rule nisi on the writ petition and call for the respondent's record relating to the result of the petitioner In Paper No.I (Anatomy) of First Professional MBBS Supplementary

Examination, 2019 and the record pertaining to office notification No.S.NO./AER/SDC/2017/260 dated 9th December 2017, No. S.No./AER/ SDC/ 2017 /272 dated 26th December 2017, S.NO./NOT/SDC/2017/1031 dated 7th February 2018 and S.NO./NOT/SDC/2017/1032 dated 7th February 2018 regarding the result of 3rd Professional MBBS Examination,- Part-II Annual Examination, 2017 held In November 2017 and after going into the legality and validity of action of the respondents In the matter of declaring results call upon them to show cause why the petitioner not be declared as passed in Paper No.I (Anatomy) of First Professional MBBS Supplementary Examination, 2019, in terms of regulation 12(4)(d) of Medical Council of India Regulation on Graduate Medical Education 1997 and the law laid down by the Hon'ble Supreme Court In case titled as Maharashtra University of Health Versus ParyanI Mukesh Jawaharlal & Ors. (Appeal (Civil) No.3883 of 2006) reported as (2007) 10 SCC 201 and by this Hon'ble Court in its judgment dated 02.04.2019 passed In W.P.(C)No.1834/2019 titled as Poonam Chaurasia Versus University of Delhi & Ors.”

2. Notice in this petition was issued on 21.01.2020. Based on the assertions made in the petition and the relief sought, I had asked Mr.Mohinder J.S. Rupal, who appears on behalf of respondent no.1 university and Mr.T. Singhdev, who appears on behalf of respondent no.3/MCI, to take instructions as to whether the issue raised in the writ petition stands covered by the judgments referred to in the petition.

3. As would be evident upon a perusal of the petition and prayers made therein, the petitioner is aggrieved by the action of respondent no.1 university in erroneously declaring him failed in Paper No.I - (Anatomy) of First Professional MBBS Supplementary Examination, 2019.

4. The petitioner claims that the manner in which he has been evaluated is contrary to Regulation 12(4)(d) of Medical Council of India Regulation on

Graduate Medical Education 1997 (in short “1997 Regulations”) and the parameters laid down in the following judgments :

- (i) ***Maharashtra University of Health v. Paryani Mukesh Jawaharlal & Ors., (2007) 10 SCC 201.***
- (ii) ***Judgment dated 02.04.2019 passed in W.P (C) No.1834/2019, titled : Poonam Chaurasia Versus University of Delhi & Ors.***

5. Today, both, Mr. Rupal as well as Mr. Singhdev, submit that the petitioner’s contention is correct.

6. Messrs Rupal and Singhdev state that the petitioner ought to have been evaluated as per the aforementioned regulations and the parameters laid down in the judgments, adverted to in prayer clause (a) of the writ petition.

7. Mr. Rupal and Mr. Singhdev further submit that if parameters set forth in the aforementioned judgments are applied, then, the petitioner would pass the subject paper i.e. Paper No.I - (Anatomy).

8. Accordingly, the petitioner’s prayer that he be declared pass in Paper No.I - (Anatomy) of First Professional MBBS Supplementary Examination, 2019 is allowed.

9. Respondent no.1 university will issue a fresh marksheet within two weeks from the date of receipt of a copy of the order passed today.

10. The captioned writ petition is disposed of in the aforesaid terms. Consequently, pending application shall stand closed.

RAJIV SHAKDHER, J

JANUARY 30, 2020/aj