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

+ W.P.(C) 1520/2020 & CM APPL. 5301/2020

SHIRANSHU KUMAR JAYANT & ORS Petitioners

Through: Mr. Ankit Singh with Mr. Inderjeet,
Advocates.

versus

UNIVERSITY OF DELHI & ORS Respondents

Through: Mr. Kousik Ghosh, Advocate for
respondent no. 1 & 2/UOD.
Mr. T. Singhdev with Ms. Arunima
Pal, Advocates for respondent no.
3/MCI.

+ W.P.(C) 1618/2020 & CM APPL. 5678/2020

SHRI ATUL DAHIYA Petitioner

Through: Mr. Ankit Singh with Mr. Inderjeet,
Advocates.

versus

UNIVERSITY OF DELHI & ORS. Respondents

Through: Mr. Kousik Ghosh, Advocate for
respondent no. 1 & 2/UOD.
Mr. T. Singhdev with Ms. Arunima
Pal, Advocates for respondent no.
3/MCI.

+ W.P.(C) 1706/2020 & CM APPL. 5904/2020

ASHISH KUMAR MEENA Petitioner

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

versus

UNIVERSITY OF DELHI CONTROLLOR OF EXAMINATION
AND ORS. Respondents

Through: Mr. Kousik Ghosh, Advocate for
respondent no. 1 & 2/UOD.
Mr. T. Singhdev with Ms. Arunima
Pal, Advocates for respondent no.
3/MCI.

+ W.P.(C) 1715/2020 & CM APPL. 5918/2020

KRISHNA CHANDRA YADAV Petitioner

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

versus

UNIVERSITY OF DELHI AND ORS. Respondents

Through: Mr. Kousik Ghosh, Advocate for
respondent no. 1 & 2/UOD.
Mr. T. Singhdev with Ms. Arunima
Pal, Advocates for respondent no.
3/MCI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 17.02.2020

1. Mr. Kousik Ghosh and Mr. T. Singhdev have returned with instructions.
2. To be noted, Mr. Kousik Ghosh appears on behalf of respondent no. 1 & 2/University of Delhi (in short "UOD") while Mr. Singhdev appears on behalf of respondent no. 3/The Medical Council of India (in short "MCI").

3. Both counsels concede that the marks obtained in the concerned subject by the petitioners in the captioned matters will have to be re-evaluated in the light of the following judgment: ***Maharashtra University of Health Sciences Vs. Paryani Mukesh Jawaharlal & Ors.*** (2007) 10 SCC 201. It is further submitted by counsel that if marks are re-evaluated as per the ratio of the aforementioned judgment, the petitioners would have to be declared passed.

4. For the purpose of convenience, Mr. Singhdev has placed before me a chart setting out the name of each of the petitioners and the relevant subject in which she/he has been declared failed and the reason as to why he/she has come to such a pass.

5. The details given by Mr. Singhdev are set up hereafter:-

Third Professional M.B.B.S. Examination, 2019

S. No	Subject in which the concerned petitioner has failed	Particulars		Reason
1.	Medicine	W.P. (C) No. 1520/2020	Shiranshu Kumar	Internal Assessment marks have been added to the total -failed by 2 marks in 1 st Internal Assessment Paper & 2 marks in 2 nd Internal Assessment Paper

2.	Medicine	W.P. (C) No. 1520/2020	Sanjeev Kumar Meena	Internal Assessment marks have been added to the total -failed by 3 marks in 1 st Internal Assessment Paper & 4 marks in 2 nd Internal Assessment Paper
3.	Medicine	W.P. (C) No. 1520/2020	Alka Katoria	Internal Assessment marks have been added to the total -failed by 2 marks in 2 nd Internal Assessment Paper
4.	Medicine	W.P. (C) No. 1520/2020	Sartaj Chauhan	Internal Assessment marks have been added to the total -failed by 1 mark in 1 st Internal Assessment Paper & 1 mark in 2 nd Internal Assessment Paper
5.	Paediatrics	W.P. (C) No. 1618/2020	Atul Dahiya	Internal Assessment marks have been added to the total -failed by 1 mark in 2 nd Internal Assessment Paper
6.	Obstetrics & Gynecology	W.P. (C) No. 1706/2020	Ashish Kumar Meena	Internal Assessment marks have been added to the total -failed by 3 marks in 1 st Internal Assessment Paper & 1 mark in 2 nd Internal

				Assessment Paper
7.	Obstetrics & Gynecology	W.P. (C) No. 1715/2020	Krishan Chandra Yadav	Internal Assessment marks have been added to the total -failed by 3 marks in 1 st Internal Assessment Paper & 3 marks in 2 nd Internal Assessment Paper
8.	Surgery	W.P. (C) No. 1564/2020	Vikas Kumar	Internal Assessment marks have been added to the total -failed by 7 marks in 1 st Internal Assessment Paper
	Paediatrics			Requires 1 grace mark as per Regulation 13(10) of the Graduate Medical Education Regulations, 1997

6. Accordingly, the captioned petitions are disposed of with a direction to the University of Delhi to declare the aforementioned petitioners passed in the concerned subject in respect of the Third Professional MBBS examination, 2019, in line with the ratio of the aforementioned judgment.

7. Consequently, the respondent no. 1 & 2/UOD will issue a fresh marksheet to the petitioners within two weeks from the date of receipt of a copy of the order passed today.

8. Consequently, pending applications shall stand closed.

9. *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

FEBRUARY 17, 2020

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