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

+ W.P.(C) 1925/2020 & CM APPL. 6735/2020

VIPUL & ORS

..... Petitioners

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

versus

UNIVERSITY OF DELHI & ORS

..... Respondents

Through: Mr. M.J.S. Rupal with Mr. Kousik
Ghosh, Advocates for
respondent/UOD.
Mr. T. Singhdev with Ms. Arunima
Pal with Mr. Abhijit Chakraborty,
Ms. Puja Sarkar and Ms. Michelle B.
Das, Advocates for respondent/MCI.

+ W.P.(C) 1965/2020

AMRITPAL SINGH

..... Petitioner

Through: Mr. Rajiv Dewan, Advocate.

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondents

Through: Mr. M.J.S. Rupal with Mr. Kousik
Ghosh, Advocates for
respondent/UOD.
Mr. T. Singhdev with Ms. Arunima
Pal with Mr. Abhijit Chakraborty,
Ms. Puja Sarkar and Ms. Michelle B.
Das, Advocates for respondent/MCI.

+ W.P.(C) 1966/2020

PRABHAT KAUSHAL

..... Petitioner

Through: Mr. Rajiv Dewan, Advocate.

versus

UNIVERSITY OF DELHI AND ORS. Respondents

Through: Mr. M.J.S. Rupal with Mr. Kousik Ghosh, Advocates for respondent/UOD.
Mr. T. Singhdev with Ms. Arunima Pal with Mr. Abhijit Chakraborty, Ms. Puja Sarkar and Ms. Michelle B. Das, Advocates for respondent/MCI.

+ W.P.(C) 1967/2020

AADITYA YADAV Petitioner

Through: Mr. Rajiv Dewan, Advocate.

versus

UNIVERSITY OF DELHI AND ORS. Respondents

Through: Mr. M.J.S. Rupal with Mr. Kousik Ghosh, Advocates for respondent/UOD.
Mr. T. Singhdev with Ms. Arunima Pal with Mr. Abhijit Chakraborty, Ms. Puja Sarkar and Ms. Michelle B. Das, Advocates for respondent/MCI.

+ W.P.(C) 1975/2020

JITENDRA KUMAR Petitioner

Through: Mr. Rajiv Dewan, Advocate.

versus

UNIVERSITY OF DELHI AND ORS. Respondents

Through: Mr. M.J.S. Rupal with Mr. Kousik Ghosh, Advocates for respondent/UOD.
Mr. T. Singhdev with Ms. Arunima Pal with Mr. Abhijit Chakraborty, Ms. Puja Sarkar and Ms. Michelle B. Das, Advocates for respondent/MCI.

+ W.P.(C) 1981/2020
PARMANYU

..... Petitioner

Through: Mr. Rajiv Dewan, Advocate.

versus

UNIVERSITY OF DELHI AND ORS. Respondents

Through: Mr. M.J.S. Rupal with Mr. Kousik Ghosh, Advocates for respondent/UOD.
Mr. T. Singhdev with Ms. Arunima Pal with Mr. Abhijit Chakraborty, Ms. Puja Sarkar and Ms. Michelle B. Das, Advocates for respondent/MCI.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
% **25.02.2020**

CM APPLs. 6898/2020, 6901/2020, 6902/2020, 6917/2020 & 6925/2020

(Exemptions)

1. Allowed, subject to just exceptions.

W.P.(C) 1925/2020 & CM APPL. 6735/2020, W.P.(C) 1965/2020, W.P.(C) 1966/2020, W.P.(C) 1967/2020, W.P.(C) 1975/2020 & W.P.(C) 1981/2020

2. Mr. Kousik Ghosh and Mr. T. Singhdev have returned with

instructions.

3. 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”).

4. 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.

5. 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.

6. 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. 1925/2020	Vipul	Internal Assessment marks have been added to the total

				-failed by 4 marks in 2 nd Internal Assessment Paper
2.	Medicine	W.P. (C) No. 1925/2020	Charan Adhar Chaudhary	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.	Obstetrics & Gynecology	W.P. (C) No. 1925/2020	Amir Rasheed	Internal Assessment marks have been added to the total -failed by 3 marks in 2 nd Internal Assessment Paper
4.	Paediatrics	W.P. (C) No. 1965/2020	Amritpal Singh	Internal Assessment marks have been added to the total -failed by 1 mark in 1 st Internal Assessment Paper
5	Medicine	W.P. (C) No.	Prabhat Kaushal	Internal Assessment marks have been added to

		1966/2020		the total -failed by 5 marks in 1 st Internal Assessment Paper
6.	Medicine	W.P. (C) No. 1967/2020	Aaditya Yadav	Internal Assessment marks have been added to the total -failed by 4 marks in 1 st Internal Assessment Paper & 4 marks in 2 nd Internal Assessment Paper
	Obstetrics & Gynecology			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.	Paediatrics	W.P. (C) No. 1975/2020	Jitender Kumar	Internal Assessment marks have been added to the total -failed by 1 mark in 1 st Internal Assessment

				Paper
8.	Obstetrics & Gynecology	W.P. (C) No. 1981/2020	Parmanyu	Internal Assessment marks have been added to the total -failed by 3 marks in 1 st Internal Assessment Paper

7. 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.

8. 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.

9. Consequently, pending applications shall stand closed.

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

RAJIV SHAKDHER, J

FEBRUARY 25, 2020

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