

\$~70

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

+ **W.P.(C) 2483/2020**

RANI RASHMI

..... Petitioner

Through Mr. Rajiv Dewan, Adv.

versus

UNIVERSITY OF DELHI AND ORS.

..... Respondent

Through Mr. Mohinder J.S. Rupal, Adv. for
R-1 & 2/UD.

Mr. T. Singhdev, Adv. for R-3/MCI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

04.03.2020

%

1. Mr. Rupal and Mr. T. Singhdev have returned with instructions.
2. To be noted, Mr. Rupal appears on behalf of respondent no. 1 & 2/University of Delhi (in short "UD") 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 petitioner in the captioned matter 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 petitioner would have to be declared passed.
4. For the purpose of convenience, Mr. Singhdev has placed before me a chart setting out the particulars of the petitioner and the relevant subject in

which she has been declared failed and the reason as to why 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 petitioner has failed	Particulars	Reason
1.	Medicine	W.P.(C)No.2483/2020	Internal Assessment marks have been added to the total -failed by 2 marks in 1 st Internal Assessment Paper

6. Accordingly, the captioned petition is disposed of with a direction to the University of Delhi to declare the aforementioned petitioner 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, respondent nos. 1 & 2/UOD will issue a fresh marksheet to the petitioner within two weeks from the date of receipt of a copy of the order passed today.

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

RAJIV SHAKDHER, J

MARCH 04, 2020/pmc