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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4588/2020 & CM APPL. 18252/2020**

DR. CHANDNI RAJPUTPetitioner
Through: Mr Rajiv K. Mishra, Advocate.

versus

NATIONAL BOARD OF EXAMINATIONS & ORS..... Respondents
Through: Mr Kirtiman Singh, Standing Counsel
for R-1 with Mr Waize Ali Noor and
Mr Rohan Anand, Advocates.
Mr Agir Gupta, Advocate for R-
3/Holy Family Hospital.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **18.08.2020**

The hearing was conducted through video conferencing.

1. Due to serious illness, the petitioner went on leave from 19.03.2020 to 19.07.2020. She had suffered from complex coronary ailments. She was admitted to AIIMS. After her discharge from, she was diagnosed as COVID-19 positive. Her subsequent treatment coupled with the earlier coronary attack had left her physically debilitated and she was under watchful recuperation for about four months. She expressed her willingness to resume her official duty w.e.f 20.07.2020. Mr Kirtiman Singh, the learned CGSC states that she has not yet resumed her duties.
2. Be that as it may, the NBE has considered and accepted the leave due to her afore discussed medical condition. She would be eligible for taking the examination for DNB (Paediatrics) once she completes the

requisite period of training on the job. The said examination is held in every six months. So, whenever she completes the required period of training, she would be eligible for the aforesaid examination in accordance with the cut-off dates. The requisite certificate in this regard needs to be issued by the hospital where she is working/attached i.e. the Holy Family Hospital, certifying that she has finished her training in accordance with the relevant rules.

3. The communication of the NBE reads as under:

“... NBE has been made to understand that the above candidate has availed medical leave from 19.03.2020 to 19.07.2020 and resumed duties on 20.07.2020. The candidate has also requested to condone the above period of leave owing to her completion of training on sympathetic grounds.

Your kind attention is invited to the prescribed NBE leave norms which have been duly communicated to your through web notices published on NBE website www.natboard.edu.in time to time.

As per NBE leave norms 2017, a DNB candidate can avail a maximum of 20 days of leave in a year excluding regular duty off/ Gazetted holidays as per Hospital/ Institute calendar/ policy. Any other leave which is beyond the above stated leave is not permissible and shall lead to extension/ cancellation of DNB Course.

*I am directed to inform you that medical leave availed by the candidate from 19.03.2020 to 19.07.2020 and resuming duties on 20.07.2020 has been considered and accepted by NBE. Please note that leave availed by the candidate other than the eligible leave shall lead to extension of DNB training. **Further, the request of the candidate to condone the period of availed medical leave cannot be considered***

as per norms... ”

4. Therefore, in effect the petitioner's leave for the past four months has been duly considered and her period of training has been extended. She would be eligible for the next examination only in the case where she meets the requisite criteria of having completed the training on the job which would require to be certified by the hospital to which she is attached i.e. Holy Family Hospital.
5. The learned counsel for R-3/Holy Family Hospital states that the petitioner has not resumed duty but has intimated that she is ready to resume duty from 25.8.2020. Now that the NBE has extended the period for completion of her training at R-3/Holy Family Hospital, the latter is ready and willing to take her back on duty. Let the petitioner resume work with Holy Family Hospital for completion of her training period.
6. The petition, along with pending application, stands disposed-off in terms of the above.
7. The order be uploaded on the website forthwith. Copy of the order be forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 18, 2020/rd