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

+ W.P.(C) 4947/2020 & CM APPL. 17871-17872/2020

DR.ABHISHEK PRABHAKAR & ANR Petitioners

Through Ms.Shashi Kiran, Adv.

versus

NATIONAL BOARD OF EXAMINATION

AND ANR.

..... Respondents

Through Mr.Kirtiman Singh, Standing Counsel
with Mr.Waize Ali Noor and
Mr.Rohan Anand, Advs.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **05.08.2020**

This hearing is conducted through video conferencing.

CM APPL. No.17872/2020(exemption)

For the reasons stated in the application, the same is allowed.

W.P.(C) 4947/2020 & CM APPL. 17871/2020

1. This writ petition is filed by the petitioners seeking an appropriate direction to cancel the letter dated 01.08.2020 and to allow the petitioners to join their speciality course after 28 days when they have recovered from Corona (Covid-19) and their reports may come negative.

2. The petitioners are MBBS Doctors. Petitioner No.1 has obtained a diploma in Orthopaedics. Petitioner No.2 has obtained a diploma in Anaesthesiology. The petitioners have been working in a Government Hospital and are said to have been serving Corona patients. On 20.12.2019, the petitioners appeared for All India Level exam of 'Diplomate of National Board – Post Diploma Centralized Entrance Test' (*hereinafter referred to as the 'DNB PDCET'*).

3. Pursuant to an online counselling of both the petitioners, petitioner No.1 was allotted a seat to do post-diploma in Orthopaedics Surgery in Choithram Hospital and Research Centre, Indore. Petitioner No.2 has been allotted a seat to do post-diploma in Anaesthesiology and has been allotted Government Medical College Khanpur, Kalan, Sonapat, Haryana. The necessary fee of Rs.1.25 lakh respectively has been deposited by the petitioners.

4. It is stated that the last date for joining physically was 30.06.2020 but was later extended to 31.07.2020.

5. The case of the petitioners is that they intended to join by 31.07.2020. However, on 24.07.2020 the petitioners were tested positive for Covid-19. A Real Time Polymerase Chain Reaction (*in short the 'RTPCR'*) test was conducted on the petitioners and they have been found Covid-19 positive.

6. It is stated that as the petitioners were suffering from Covid-19, they sought extension of time to join their medical colleges. However, on 01.08.2020, an email was received by the petitioners saying that the date has already been extended and no extension can be considered.

7. The petitioners have placed on record a list of Covid-19 positive cases dated 27.07.2020 of District Sonbhadra, U.P. Column 3 and 4 record that the petitioners are Covid-19 positive cases.

8. Based on the above facts, the learned counsel for the respondents has taken instructions. He submits that in these peculiar facts and circumstances and keeping into account that the petitioners are suffering from Covid-19, the respondents are willing to postpone the date of joining. However, it was pointed out that in case for some reasons the petitioners failed to physically join courses, the seats would go vacant, which would be a complete waste of

resources.

9. In the above facts and circumstances, it has been agreed as follows:

i) The petitioners shall immediately within two days from today send a communication to the respective colleges with the scanned copies of their original documents stating that they have joined the colleges. They would also in this communication apply for leave in terms of the rules and regulations of the colleges.

ii) The petitioners will also file an affidavit in this court within one week from today unequivocally undertaking to the court that on their being cured from the said Covid-19 disease and having served the isolation period as per protocol, they would physically join their respective colleges and also file the original documents at the time of joining. The petitioners would also in the affidavit undertake that they will not use their original documents for any other purpose including for taking admission in any other colleges. The petitioners would also in the affidavit undertake that they will not participate in any other round of counselling for this course or any other post-graduate course for this academic year. They will also agree to abide by all the terms and conditions of the prospectus.

10. Subject to taking the above steps, the petitioners are permitted to join above colleges as noted above.

11. The petition is disposed of on the above terms. All pending applications, if any, are also disposed of.

JAYANT NATH, J.

AUGUST 05, 2020/v