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

+ W.P.(C) 9043/2019

HARSHIT PATHAK

..... Petitioner

Through Mr.R.P.S.Yadav, Adv.

versus

UNION OF INDIA & ANR

..... Respondent

Through Mr.Gaurav Rohilla, Sr.Govt.Counsel
for UOI/R-1

Mr.K.P.Gautam and Mr.Akhileshwar Jha, Adv.
for AIIMS

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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13.03.2020

1. This Writ Petition raises perplexing facts. The case of the petitioner is that he got registered with the All India Institute of Medical Sciences to appear in MBBS/BSc Nursing 2019 on 30.11.2018. He was given registration for the said exam and was allotted Roll Number 9030232. He appeared in the Examination in the General Category on 26.5.2019. Copy of the Admit Card is attached to the Writ Petition. It is claimed that the Result of the examination was declared on 12.6.2019 and the petitioner obtained Rank-957. A copy of the result showing that the Roll Number 9030232 has Rank-957 is also attached to the Writ Petition. He was called for counselling by a communication dated 4.7.2019. A copy of the letter is enclosed with the Writ Petition. The petitioner appeared for counselling but in the counselling proceeding he was shown as non-registered/non-appeared on record. Later on, the petitioner was informed on an enquiry that the user ID of the

petitioner belonged to some other person by the name of Mr.Kamal Kishore. It is claimed that on 14.8.2019 the officials of AIIMS handed over different set of documents showing that the petitioner was unsuccessful with an overall rank of 310637 instead of 957 which was communicated to him earlier. He was also intimated that his Roll Number is 9316803. I may note that the petitioner had appeared for the examination from Patna.

2. In contrast, in the counter-affidavit filed by respondent No.2, it has been pleaded that the Roll Number 9030232 which the petitioner claims as his Roll Number actually is Roll Number of Ms.Gayathri A.S., who has appeared in the examination. The Admit Card, the rough working sheet, the attendance sheet of the said Ms.Gayathri A.S.has been placed on record. It is stated that it was Ms.Gayathri A.S. who obtained the rank 957 in the combined merit list. Ms.Gayatri A.S. had appeared in the examination from Thiruvananthapuram.

3. Learned counsel for the petitioner submits that the documents which have been filed were all downloaded by the petitioner from the Internet on using the code provided by the respondent. He has appeared for the examination from Patna based on these documents. He also denies copy of the rough work which has been filed by respondent No.2. He states that this is not his handwriting.

4. It is no doubt but true that the issues which have been raised by the petitioner give rise to highly disputed questions of fact. The case of respondent No.2 is that documents relied upon by the petitioner are forged. However, in my opinion, I cannot help noticing that the petitioner has not relied on one or two documents but there are series of documents which have been filed by him showing his roll number as 9030232. The entire

chain of documents have been filed by the petitioner including his registration which is attached as Annexure P-1; his examination Admit Card which is Annexure P-2; a communication dated 4.7.2019 calling him for counselling which is Annexure P-4; another communication dated 24.7.2019 regarding second round of counselling; being Annexure P-5 and so on. It would not be proper to brush aside the contentions and allegations made by the petitioner by a sweeping claim stating them to be forged and unacceptable.

5. In these circumstances, I request Director, All India Institute of Medical Sciences to direct an enquiry by an external agency which is trained in dealing with frauds done on the internet. The said inquiry be completed within four months from today. Based on the report of the Inquiry, Director, AIIMS is requested to thereafter take appropriate steps, as per law.

6. With the above directions, the petition stands disposed of.

JAYANT NATH, J

MARCH 13, 2020

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