

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 341 OF 2021

IN

WRIT PETITION NO. 9287 OF 2019

ALONGWITH

WRIT PETITION NO. 9287 OF 2019

Dr.Amarja/Amarnath Mohan

..... Petitioner

VERSUS

Union of India & Ors.

..... Respondents

Mr.Sarthak Diwan, i/b. Mr.Ashutosh M. Kulkarni for the Petitioner.

Mr.R.A.Rodrigues, a/w. Mr.Akash Kotecha for the Respondent no.1.

Mr.Ganesh K.Gole, a/w. Mr.Ritesh Ratnam for the Respondent nos.2 and 3.

CORAM: R. D. DHANUKA AND

ABHAY AHUJA, JJ.

DATE : 17th SEPTEMBER, 2021

P.C:-

Writ Petition not on board. Taken on board.

2. Heard. Rule. Rule made returnable forthwith. Mr.Rodrigues, learned counsel waives service for the respondent no.1. Mr.Gole, learned counsel waives service for the respondent nos. 2 and 3. With consent of parties, heard finally.

3. By an order dated 22nd March, 2021, this Court had directed the respondent nos. 2 and 3 to apprise of their stand in this matter as to whether any distinguishing features are present in the petitioner's case than the decision of the Division Bench in case of **Anita Kishanrao Videkar vs. Union of India and others in Writ Petition No. 5343 of 2018** and whether similar relief protecting the studies already undertaken, as done in other cases, can be granted. In view of the decision of the Division Bench of this Court in case of **Anita Kishanrao Videkar** (supra) and a group of petitions where the decision of Supreme Court in case of **Suresh Pal vs. State of Haryana, (1987) 2 SCC 445** was followed.

4. The respondent nos. 2 and 3 have filed reply affidavit dated 10th August, 2020 stating that the National Board of Examination has accepted the order dated 24th February, 2021 passed by this Court in Civil Writ Petition No. 5343 of 2018 and connected writ petitions. It is further stated in the said affidavit that in compliance of the said order, the National Board of Examination has declared the withheld results of all such candidates. The National Board of Examination has regularized the recalled provisional pass certificate of those candidates which were withdrawn by National Board of Examination vide notice

dated 13th November, 2020.

5. In this view of the matter, the grievance of the petitioner in the writ petition appears to have been met with and therefore no further reliefs are called for in this petition. However in the Interim Application No. 341 of 2021 there are further directions sought which in view of the statement made in the affidavit of respondent nos. 2 and 3 are accepted by this Court. We accordingly grant prayer clause (B) of the said application which reads thus :-

(B) The Respondent No.2 may kindly be directed to withdraw the impugned notice dated 13th November, 2020 (Exhibit E) and impugned communication dated 16th November 2020 issued to the Applicant/Petitioner (Exhibit F) and to issue final Passing Certificate for the DNB Final Examination in a timebound manner;

6. Writ Petition No. 9287 of 2019 and Interim Application No. 341 of 2021 are accordingly disposed of in the aforesaid terms. No order as to costs.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]