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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 22nd January, 2021

+ LPA 33/2021

MANOJ KUMAR

..... Appellant

Through: Mr. Manu Garg, Advocatae

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Rajesh Kumar, Advocate for UOI
Mr. Dushyant Prashar & Mr. Monu Parashar,
Advocates for R-2/AIIMS

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL.2439/2021 (exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

LPA 33/2021

1. Being aggrieved and feeling dissatisfied by the order dated 22nd December, 2020 passed by the learned Single Judge in W.P.(C) 12734/2019 (Annexure A-1 to the memo of this appeal), the present appeal has been preferred by the original petitioner.

2. We have heard the learned counsels for both the sides and looked into

the facts and circumstances of the case. The appellant is the original petitioner in the writ petition, wherein he has sought directions to consider his case for admission in AIIMS/respondent No.2 for the MBBS Course 2019 as well as to declare the OBC certificate dated 02.07.2019 furnished by the petitioner, as valid. From a reading of the impugned order, it is evident that the present appeal has been preferred challenging an order whereby the learned Single Judge has simply adjourned the matter to 15th February, 2021 and without waiting for any substantive order to be passed, the appellant has rushed to this Court by filing the present appeal, which is untenable in law.

3. For ready reference, the order dated 22nd December, 2020 passed by the learned Single Judge in CM APPL. 52065/2019 & CM APPL. 25026/2020 in W.P.(C) 12734/2019 reads as under:

“This hearing is conducted through Video-Conferencing.

CM APPL. 52065/2019 & CM APPL. 25026/2020

It is already 5:00 PM.

No time left.

List on 15.02.2021.”

4. Thus, neither any right nor any liability of the parties in litigation has been decided by the learned Single Judge and the present appeal is not maintainable. Nonetheless, since the subject matter of the writ petition relates to admission to an MBBS Course, we hereby request the learned Single Judge to expedite the hearing of W.P.(C) 12734/2019.

5. Learned counsel for the respondents submits that the appellant is seeking admission in an MBBS Course for the Academic Session 2019-2020, for which cut off date for giving admission was 30th September, 2020,

and thus at this stage, on this ground alone, apart from other grounds, the writ petition is even otherwise liable to be dismissed. Since we are not concerned with the merits of the matter in the present appeal, suffice it would be to state that this aspect of the matter along with the other grounds raised in the writ petition, would be considered by the learned Single Judge, while deciding the writ petition on its own merits. Needless to state that we have not entered into the merits of the case and the learned Single Judge would decide the writ petition without being influenced by the order passed by this Court.

6. With the aforesaid observations, this appeal is disposed of.

CHIEF JUSTICE

JYOTI SINGH, J

JANUARY 22, 2021

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