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

% *Date of Decision : 15th March, 2021*

+ LPA 73/2021 & CM APPL.6693/2021

ASSOCIATION OF DIPLOMATE OF
NATIONAL BOARD DOCTORS

..... Appellant

Through: Mr. Sourabh Gupta & Mr. Puneet
Yadav, Advs.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Dev P. Bhardwaj, CGSC with
Ms. Anubha Bhardwaj, Adv. for UOI
Mr. T. Singhdev & Mr. Abhijit Chakravarty, Advs.
for R-2
Mr. Kirtiman Singh, CGSC with Mr. Waize Ali
Noor, Mr. Rohan Anand & Ms. Tana Yasin, Advs.
for R-3

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JASMEET SINGH

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

1. The appellant (original petitioner) has preferred the present LPA being aggrieved and dissatisfied by the interim order dated 11th February, 2021 in W.P.(C) 1226/2020 (Annexure P-1 to the memo of this LPA).
2. Having heard the learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this appeal has been

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preferred against the interim order passed by the learned Single Judge dated 11th February, 2021 in W.P.(C) 1226/2020 and the next date of hearing in the writ petition is 15th April, 2021.

3. This appellant (original petitioner) is seeking permission for its members to appear in DNB Final Examination – 2021 which is to be conducted in March, 2021.

4. As the writ petition is pending, we are not analysing the facts of the case otherwise the writ petition will be decided by this Court in this appeal.

5. It will be suffice to say at this stage that the members of the appellant enjoyed maternity leave beyond 60/90 days during the two years course they have undertaken. According to the course schedule there are 240 working days in one year and cumulatively there are 480 working days in the two year course.

6. We have perused Annexure R-2A annexed to the affidavit filed by the respondent No.3. It appears that out of 480 working days in two years course, the members of this appellant (original petitioner) have enjoyed the maternity leaves and therefore failed in completing the prescribed training/course period. The students can be allowed to appear in the examination provided they have completed the minimum prescribed training/course period. This aspect of the matter has been properly appreciated by the learned Single Judge while passing an interim order dated 1st February, 2021 in W.P.(C) 1226/2020. We are in full agreement with the reasons given by the learned Single Judge from para 3 onwards in the said impugned

order and hence we see no reason to entertain the present LPA and the same is hereby dismissed. Pending application also stands disposed of.

CHIEF JUSTICE

JASMEET SINGH, J

MARCH 15, 2021

ns

