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

% *Date of Decision: 25th October, 2021*

+ LPA 121/2021& CM APPL. 11212/2021

DR RUCHITA GHILORIA & ORS. Appellants

Through Mr.Ehtesham Hashmi, Advocate.

versus

MEDICAL SUPERINTENDENT & ORS. Respondents

Through Mrs. Avnish Ahlawat, Advocate with
Mrs.Tania Ahlawat and Mr. Nitesh Kumar Singh
for R-1&3.

Mr. Kirtiman Singh, Mr.Waize Ali Noor, Mr.Taha
Yasin and Mr.Srirupa Nag, Advocates for NBE.

+ LPA 122/2021& CM APPL. 11327/2021

DR. NEHA GHILORIA Appellant

Through Mr.Ehtesham Hashmi, Advocate.

Versus

MEDICAL SUPERINTENDENT & ORS. Respondents

Through Ms.Mini Pushkarna, Advocate with
Ms.Khushboo Nahar, Ms.Latika Malhotra,
Advocates for R-1&3.

Mr. Kirtiman Singh, Mr.Waize Ali Noor, Mr.Taha
Yasin and Mr.Srirupa Nag, Advocates for NBE.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE(ORAL)

Proceedings have been conducted through video conferencing.

1. Detailed orders were passed by this Court on 29.09.2021 and 30.09.2021, in the present appeals. Insofar as the merits of the matters are

concerned, admissions have already been granted to the Appellants and therefore, their grievances stand redressed.

2. However, looking to the format of the No Objection Certificate ('NOC'), this Court was of the view that the same was not appropriately worded, resulting in unnecessary litigation by the concerned Doctors. We had, therefore, suggested certain modifications to be incorporated in the NOC with a view to ensure that once a Doctor, working in the Government Hospital is granted NOC for appearing in the examinations for admission to the PG Courses, he/she is granted study leave without any delay. Format of the NOC, as suggested by this Court, was as follows:-

"The undersigned undertakes that study leave shall be granted to the candidate as required under Rule 50 of Central Civil Services (Leave) Rules, 1972 or any other applicable Rule and also shall relieve the candidate in case of his / her selection to the sponsored DNB (Post MBBS and Post Diploma) Seats, for joining the DNB training."

3. We are happy to note that the aforesaid suggestion has been accepted by the National Board of Examination and the new format of NOC as filed on behalf of NBE is as follows:-

"3. The undersigned undertakes that study leave shall be granted to the candidate as required under Rule 50 of Central Civil Services (Leave) Rules, 1972 or any other applicable Rule and also shall relieve the candidate in case of his / her selection to the sponsored DNB (Post MBBS and Post Diploma) Seats, for joining the DNB training."

4. It needs to be observed that procedures are handmaiden of justice. The formats/forms required to be filled by aspiring candidates/students should be clearly worded and paraphrased in a manner that ensures least ambiguity and harassment. Once a meritorious student has cleared the concerned

examination, the admission process should not be stalled only because of the unhappy wordings in a Form or NOC, as it hardly needs emphasis that Forms and NOCs are meant for the benefit of the students and not to increase their difficulties. The present case is a classic example where a minor discrepancy in the format of the NOC led to the Respondents running from pillar to post and had nearly lost the admission to the PG Courses, despite clearing the examination. Be that as it may, all is well that ends well.

5. We are sanguine that with the changed Format of NOC, the aspiring doctors will not be troubled or forced into litigation due to non-grant of study leave, after they have cleared the requisite examination process. We may, however, pen down our appreciation for the stand taken by the National Board of Examination pursuant to the suggestions given by this Court as well as for the assistance rendered by learned counsel appearing on behalf of National Board of Examination in this regard. We may be failing in our duty if we do not express our appreciation for Mrs. Avnish Ahlawat and Ms. Mini Pushkarna, Advocates who had, by their timely and sincere efforts as well as legal advice, ensured that the Appellants are granted study leave on 29.09.2021 itself, so as to be granted admission to the PG Courses on 30.09.2021.

6. Both these Letters Patent Appeals along with the pending applications are hereby disposed of, with the aforesaid observations.

CHIEF JUSTICE

JYOTI SINGH, J

OCTOBER 25, 2021/rd

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