

\$~54 & 55 (2021 Cause List)

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

+ **W.P.(C) 6566/2018 & CM APPL. 25062/2018**

+ ✓ **W.P.(C) 6806/2019 with CM APPL. 28467/2019, CM APPL. 4834/2021**

DR ANIRBAN BHAUMIK

..... Petitioner

versus

UNION OF INDIA & ANR

..... Respondents

UNION OF INDIA & ORS

..... Respondents

Present:-

Mr. A.P. Dhamija, Advocate with Ms. Tanya Sharma, Advocates for the petitioner in item nos.54 and 55

Mr. Dev P Bhardwaj, CGSC for R-1/UOI in item nos.54 and 55

Mr. Kirtiman Singh, Advocate for NBE.

Mrs. Avnish Ahlawat, Standing Counsel for GNCTD with Mr. Nitesh Kr. Singh, Ms. Palak Rohemetra, Advocates for R-3 in item nos.54-55.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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11.10.2021

The proceedings in the matter have been conducted through video conferencing.

1. W.P.(C) 6566/2018 was filed by the petitioner for a direction upon the respondent-National Board of Examinations ["NBE"] to permit him to participate in the mop-up round of counselling for the year 2018, for admission to the Diplomate of National Board (Post MBBS) course. By virtue of an interim order dated 11.06.2018, the petitioner was permitted,

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subject to the outcome of the writ petition, to participate in the counselling scheduled to be held on 12.06.2018.

2. Pursuant to this counselling, the petitioner was admitted to the Dr. Baba Saheb Ambedkar Hospital, Government of NCT of Delhi ["the Hospital"] for the course in question and permitted to take examinations by virtue of various interim orders passed by this Court. By an order dated 31.05.2019, the Hospital debarred the petitioner from continuing the course. The petitioner challenged this order by way of W.P.(C) 6806/2019. The order dated 31.05.2019 was stayed by this Court on 09.10.2019.

3. During the pendency of these petitions, the petitioner has joined the DNB (Post MBBS) course and taken the theory and practical examinations under interim orders of the Court. However, the petitioner's training was interrupted for the period 31.05.2019 to 07.11.2019. Results of his final theory and practical examinations have been placed in a sealed cover before the Court.

4. In view of the peculiar facts of this case, that the petitioner has continued in the course for the period of almost three years – which is the duration of the course - under the orders of the Court, and he has also taken the examinations, I am of the view that the writ petitions may be disposed of permitting the petitioner to complete the remaining period of training, after deducting the number of days leave still available to him.

5. The NBE will inform the petitioner as to the number of days of training remaining to be completed. For this purpose, the NBE will coordinate with the Hospital and the petitioner to determine the remaining number of days of training. Upon completion of the period of training, the

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petitioner's theory results will be declared by the NBE. Subject to the petitioner passing the theory examinations, the practical examinations result will be declared.

6. Having regard to the facts and circumstances of the cases, the writ petitions, alongwith all pending applications, are disposed of in terms of these directions.

PRATEEK JALAN, J

OCTOBER 11, 2021

j'