



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 28th September, 2022

Pronounced on: 06th October, 2022

+ W.P.(C) 13420/2022 & CM APPL. 40750/2022 (interim relief)

SUCHETA

..... Petitioner

Through: Mr. Santhosh Krishnan and Ms.
Deepshikha Sansanwal, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCE Respondent

Through: Mr. V.S.R. Krishna and Mr. V.
Shashank Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

1. Petitioner, a nurse employed as Nursing Tutor (Faculty Cadre) at College of Nursing of Respondent – All India Institute of Medical Sciences, New Delhi [hereinafter “AIIMS”] has impugned the Memorandum dated 12th September, 2022 whereby she has been denied admission to M.Sc. (Psychiatry Nursing) under the category of “In-service candidate”, on the ground of ineligibility.

BRIEF FACTS

Admission in M.Sc. Nursing course for 2021 session

2. Petitioner is employed with AIIMS as a Nurse since 2004. She completed her B.Sc. (Hons.) Nursing course from AIIMS itself and enrolled



as a Nurse with the Delhi Nursing Council and then as “Tutor in Nursing” with AIIMS.

3. She applied for admission to M.Sc. (Paediatric Nursing) course under the “In-service” category for 2021 session, appeared in the entrance examination and obtained Rank 201. When she was not allotted the seat and instead, another candidate who obtained a lower Rank of 232 was selected, she made a representation to the Dean (Examination), AIIMS, *vide* letter dated 21st August, 2021.

4. *Vide* Memorandum dated 31st August, 2021, Petitioner was granted provisional admission to the aforesaid course, as an “In-service” candidate.¹ Subsequently, *vide* Memorandum dated 15th September, 2021 her provisional admission was cancelled and she was informed that “In-service” reservation is only for “*Nursing staff i.e. Nursing Officer. Hence, she is not eligible for In-service (Paediatric Nursing) seat being Nursing Tutor, as per existing eligibility criteria*”.

Admission in M.Sc. Nursing course for 2022 session

5. For the year 2022, Admission Notice was published on 29th April, 2022, followed by the Prospectus on 09th May, 2022 [hereinafter “*the Prospectus*”]. Admission in M.Sc. (Nursing), M.Sc. courses and M.

¹ In W.P.(C) 9413/2021 – filed by Ramgopal Sharma against denial of admission/disqualification. In the said petition, AIIMS informed the Court (on 03rd September, 2021) that they have provisionally admitted another candidate (Petitioner herein) in the second round of counselling and the Court, finding a *prima facie* case in favour of Ramgopal Sharma, directed maintenance of *status quo* with regard to admission to the Course in the “In-service” category. *Vide* final judgment dated 10th November, 2021 – the impugned decision of AIIMS was set-aside and Ramgopal Sharma was directed to be admitted in the course against the seat reserved for “In-service” category.



Biotechnology. Under M.Sc. (Nursing) course, seven specialties are covered which includes Psychiatry Nursing. In addition to the seats offered under different categories, one seat in each specialty is reserved for AIIMS “In-service” candidates.

6. Petitioner, employed as a Nursing Tutor (Faculty Cadre) applied for M.Sc. (Psychiatry Nursing) course [hereinafter “*Course*”] and for this purpose, she was granted a ‘No Objection Certificate’ on 20th May, 2022. She secured 91.843 marks and an overall Rank 225, amongst 1378 qualified candidates. Thereafter, AIIMS issued a Seat Allocation Slip on 08th September, 2022 notifying her that she was allotted the category of “*AIIMS New Delhi In-service*” against the Course selected by her.

7. Shortly thereafter, AIIMS issued the impugned Memorandum dated 12th September, 2022 [hereinafter “*impugned notice*”] whereby Petitioner was intimated that her candidature cannot be considered against the seat under “In-service” category, owing to her ineligibility. The said notice reads as under: -

“MEMORANDUM

SUBJECT : Admission to M.Sc. (Psychiatry Nursing) Course at the AIIMS, New Delhi for Aug., 2022 Session.

With reference to result Notification NO. 156/2022 dated 8.9.2022 Ms. Sucheta has been allotted M.Sc In-service (Psychiatry Nursing) seat. At the time of document verification it has been observed that she has been working as Nursing Tutor (Faculty Cadre) and the seats are reserved for In-service candidates only.



The matter has been examined by the Competent Authority, accordingly she has not been considered against the above seat.”

8. Aggrieved by the above decision, the instant petition has been filed.

CONTENTIONS OF THE PARTIES

Of Petitioner

9. Mr. Santhosh Krishnan, counsel for Petitioner, argues that the impugned notice is arbitrary, unconstitutional, and thus, liable to be set-aside for the following reasons: -

- 9.1. The term “In-service” is not defined in the Prospectus and it does not disqualify “Nursing Tutors” working at AIIMS from availing reservation for “In-service” candidates and sans distinction between Nursing Tutors and Nursing Staff, disqualification cannot be assumed. The term “In-service” must be given its natural and literal meaning. Petitioner’s application was processed as an “In-service” candidate till issuance of the impugned notice on 12th September, 2022. AIIMS cannot reasonably contend that till the final stage of admission i.e., “document verification”, it is justified in disclosing the restrictive condition as to eligibility.

- 9.2. The rationale for classification must be evident from the records and also judicially sustainable. The documents annexed along with the counter-affidavit filed by AIIMS only seek to provide existence of such classification which cannot, operate as a valid justification.



- 9.3. There is no statutory provision or subordinate legislation which entails that the term “In-service” candidates would imply exclusion of staff working at College of Nursing of AIIMS. Even if there is an executive instruction issued to such effect, the same would be *ultra vires* of the AIIMS Act, 1956 and AIIMS Regulations, 2019, which does not provide for any distinction under “In-service” cadres (i.e., Nursing Tutors and Nursing Staff), as claimed by AIIMS by virtue of impugned notice. The executive instruction cannot traverse beyond the statute or subordinate legislation.
- 9.4. No estoppel can lie against Petitioner from challenging *post-facto* disqualification by AIIMS notwithstanding the fact that she participated in the selection process.² Petitioner’s provisional admission last year (2021) was injuncted by this Court *vide* orders dated 02nd September, 2021 and 03rd September, 2021 (in W.P.(C) 9413/2021). Considering that the said writ was allowed in favour of Petitioner therein (*viz.* Mr. Ramgopal Sharma), Petitioner could not possibly challenge the Memorandum dated 15th September, 2021.

Of AIIMS

10. *Per contra*, Mr. V.S.R. Krishna and Mr. V. Shashank Kumar, counsel for AIIMS, make the following submissions: -

- 10.1. There is a distinction of cadres *vis-à-vis* Nursing Staff (i.e., Nursing Officers) and Nursing Tutors and pursuant to a policy decision taken by AIIMS, benefit of reservation for “In-service” seats extends to

² Reliance is placed on *Dr. (Major) Meeta Sahai v. State of Bihar & Ors.*, (2019) 20 SCC 17.



Nursing Staff only. Petitioner, being a Nursing Tutor is thus, ineligible for reservation under the “In-service” category. The impugned notice cannot be faulted with since she was aware of her disqualification for obtaining reservation *qua* “In-service” seat since 15th September, 2021 i.e., the date when the Memorandum was issued by AIIMS withdrawing her admission. She is estopped from claiming that she was unaware of her ineligibility since the same was disclosed in year 2021 and she, nevertheless, went on to participate in counselling as an “In-service” candidate in 2022. Thus, Petitioner, being aware of the rules of examination, cannot now approach this Court challenging the same.

10.2. Benefit of “In-service” reservation extended only to Nurse Staff/nurse personnel, who were posted within the hospital and performing clinical duties so they can upgrade their knowledge for better patient care and the benefit was not applicable to Nurse Tutors/faculty cadre since, they are primarily concerned with teaching academic courses. There is reasonable and intelligible differentia between the two cadres and in fact, even promotional hierarchies are different and granting reservation to faculty cadre for M.Sc. (Nursing) course would require consideration and assessment by AIIMS of various administrative exigencies. Reliance is placed on a decision of the Apex Court in *State of Uttar Pradesh & Ors. v. Dinesh Singh Chauhan*,³ to contend that the classification under the “In-service” category is based on reasonable and intelligible differentia since Nursing Staff at AIIMS

³ (2016) 9 SCC 749.



are essentially in nature of “*frontline workers*” who are “*involved in patient care and treatment are being allowed to upgrade their skills and render service towards patient care*”.

- 10.3. Reservation for “Nursing Tutors” in M.Sc. (Nursing) course is under active consideration. A proposal for extending the benefit of reservation under the “In-service” category to “Nursing Tutors” as well, has been circulated by AIIMS, which is pending approval from Deans’ Committee.
- 10.4. In response to AIIMS’ communication addressed to the Principal of the College of Nursing, AIIMS whereby they proposed “*reservation of 10 seats for the M.Sc. Nursing course [...] for Nursing Staff*” – the Principal of College of Nursing *vide* response dated 03rd November, 2015, suggested that one seat may be reserved for “*Tutors working in College of Nursing, AIIMS*”. This communication signifies that there has always been an understanding and a clear distinction of cadres at AIIMS; Nursing Staff and Nursing Tutors are separate. Subsequently, when the proposal *qua* reservation was placed before the Academic Committee, in the meeting dated 16th June, 2016 – it was decided and that seats be reserved “*for Nursing Staff at AIIMS*”. Therefore, admission of the Petitioner in the Course was rightly rejected *vide* impugned notice. It is evident from the documents annexed with the counter-affidavit that AIIMS, after due deliberation and consideration, granted reservation only to Nursing Staff and not Nursing Tutors and not defining “In-service” in the Prospectus is not fatal to their case.



To buttress this contention, reliance is placed on *Karnati Ravi & Anr. v. Commissioner, Survey Settlements and Land Records & Ors.*⁴

10.5. It is well-settled that courts have limited powers of judicial review in matters relating to an administrative/policy decision taken in exercise of its discretionary powers. Courts cannot interfere with such decisions on the ground of exploring a better/fairer alternative.⁵

ANALYSIS

11. AIIMS has denied the benefit of reservation under the category of “In-service” candidate to the Petitioner who is concededly working as a Nurse in the Faculty cadre at College of Nursing of AIIMS. The disqualification stems from impugned notice, extracted above and in that light, following questions arise for consideration: (a) Whether Petitioner is an “In-service” candidate for the purpose of admission to M.Sc. (Psychiatry Nursing) course in terms of the Prospectus; (b) Whether there is any rational basis for classification between Nursing Staff and Tutors, in relation to “In-service” seats; and (c) Whether Petitioner is estopped from challenging the impugned notice.

12. It is undisputed that Petitioner enrolled at AIIMS and received her B.Sc. (Nursing) degree from the said institute and since 2004, she has been employed as a “Tutor in Nursing” at AIIMS.⁶ Desirous of pursuing higher education, she registered for AIIMS M.Sc. entrance examinations – 2022

⁴ (2018) 12 SCC 635.

⁵ Reliance is placed on *Directorate of Film Festivals & Ors. v. Gaurav Ashwin Jain & Ors.*, (2007) 4 SCC 737.

⁶ *Vide* appointment letter dated 17th April, 2004.



and thereafter sat for the entrance examination. She was allotted seat under “*AIIMS New Delhi In-Service*” category on 08th September, 2022 *vide* Seat Allocation Slip, which was issued to Petitioner and reads as under: -

अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली All India Institute Of Medical Sciences, New Delhi Online Seat Allocation M.Sc. Nursing July 2022 (Seat Allocation Slip)					
					1st Round
Candidate Detail >					Roll No 8164847
Name	SUCHETA	Registration Id	P5211104997	Email Id	SUCHRVP6T@GMAIL.COM
Course	M.Sc. Nursing	Over All Rank	225	Category	UR
Is PWBD	No	AIIMS New Delhi In-Service	Yes		
1st Round Allotment Detail >					Choice No 1
Allotted Institute	AIIMS NEW DELHI				
Allotted Subject	Psychiatric Nursing				
Allotted Subject Code	MSCNURDEL07	Allotted Category	AIIMS New Delhi In-Service		
You have successfully ACCEPTED the allotted Institute and DO NOT wish to participate in further round of Institute allocation.					
Admission Offer Status					
You are required to report in offered Institute by 12th Sept 2022 (05:00 PM). Read Seat Allocation/Counselling result notification and information Brochure for further details.					
Security Deposit details for Reporting at Institute >					
☐ Demand Draft(Rs. 1.00 Lakh) ☒ Original Documents Submission at allotted Institute					

13. It is thus evident that until 08th September, 2022, AIIMS considered the Petitioner as “*AIIMS New Delhi In-Service*” candidate. No distinction was carved out until issuance of the impugned notice on 12th September, 2022 *vis-à-vis* Petitioner wherein AIIMS narrowed the zone of consideration by creating a sub-category, within the “In-service” category, resulting in creation of a sub-class/genus which finds no mention in the Prospectus. In that light, it is apposite to extract the relevant portion contained in the Prospectus, which deals with availability of seats and reservation *qua* such seats for “*AIIMS In-service Candidate*” under M.Sc. (Nursing) course: -



5

NUMBER OF SEATS AND DURATION OF COURSES**A. Seats at AIIMS New Delhi for August, 2022 Session.**

A. M.Sc. Courses/M. Biotechnology, AIIMS, New Delhi for August 2022 session									
S.No.	Name of Discipline	Total Seats	UR	OBC	SC	ST	EWS	Out of total seats following seats are reserved for PwBD	AIIMS New Delhi Sponsored/ In-service
1	Medical Anatomy	6	2	2	1	1	0	3 for M. Sc Courses	0
2	Medical Biochemistry	6	2	2	1	1	0		0
3	Biophysics	6	3	1	1	0	1		0
4	Cardiovascular Imaging and Endovascular Technologies	4	2	1	0	1	0		2
5	Medical Physiology	6	2	2	1	0	1		0
6	Medical Pharmacology	6	2	2	1	0	1		0
7	Reproductive Biology and Clinical Embryology	6	2	1	1	1	1		0
8	Nuclear Medicine Technology	13	6	3	2	1	1		1
9	M. Biotechnology	18	8	5	2	1	2	1	0
Total		71	29	19	10	6	7	4	3

B. M.Sc Nursing Courses, AIIMS, New Delhi									
S.No.	Subject	Total	UR	OBC	SC	ST	EWS	Out of total seats following seats are reserved for PwBD	AIIMS In-service Candidate
1	Cardiological / CTVS Nursing	4	1	1	0	1	1	1 (one) PwBD seat is reserved out of total 28 Seats for Aug 2022 session	1
2	Oncological Nursing	4	1	2	1	0	0		1
3	Neuro Sciences Nursing	4	2	1	0	1	0		1
4	Nephrological Nursing	4	3	1	0	0	0		1
5	Critical Care Nursing	4	2	1	1	0	0		1
6	Paediatrics Nursing	4	2	1	1	0	0		1
7	Psychiatric Nursing	4	1	1	1	0	1		1
Total		28	12	8	4	2	2	-	7

- One (01) seat for AIIMS Candidate (in-service) for M.Sc. (Nuclear Medicine Technology) and Two (02) sponsored seats in Cardiovascular Imaging and Endovascular Technologies, in addition to 71 sanctioned seats.
- 07 seats (one in each speciality) for AIIMS, New Delhi Candidate (in-service) for M.Sc. (Nursing) in addition to 28 sanctioned seats.
- These seats of AIIMS Candidate (in-service) are not transferable to open category.
- Number of seats may vary at the time of Seat Allocation.

AIIMS - M.Sc. Courses / M.Sc. Nursing/M. Biotechnology - Prospectus- 2022

14. As can be seen from the above, the second bullet at the footer provides for reservation for “AIIMS, New Delhi Candidate (in-service) for M.Sc. (Nursing)”. The Prospectus, on the basis whereof Petitioner as well as the other candidates appeared in the entrance examination, clearly uses the words “AIIMS, New Delhi Candidate (in-service)”. In absence of any other condition stipulated, the category of “In-service” has to be given it’s natural



and common textual meaning. If the intent of AIIMS was to limit reservation under “In-service” category only for Nursing Staff or Nursing Officers, they ought to have mentioned the same in the Prospectus so that prospective candidates were aware of the eligibility/qualifying criterion. After selection process has commenced, the ground rules cannot be altered midway.⁷ The Court finds merit in Petitioner’s contention that AIIMS, *vide* impugned notice, belatedly inserted a qualifying criteria *qua* reserved seats under “In-service” category, without any rationale, thereby diminishing the sanctity of the Prospectus. The Prospectus contains information *qua* admission and is binding on all candidates as well as on the executive machinery that issued the same containing the criterion for selection and admission, which is not open for whimsical alteration. It is well-settled that the prospectus/brochure is not merely a declaratory in nature is required to be followed in its letter and spirit and should not be transgressed. Aspirants of M.Sc. (Nursing) course, who fall within the reservation criteria as per the Prospectus, cannot be ousted, by introducing amendments to the Prospectus *vide* impugned notice (as in the present case), a corrigendum.⁸ If it is construed that the Prospectus is silent regarding classification, even then disqualification cannot be assumed, implied, or read, against the Petitioner.

15. AIIMS seeks to justify distinction between “In-service” Nursing Staff and Tutors by relying on following documents placed on record along with the counter-affidavit: -

⁷ See: *Mohd. Sohrab Khan v. Aligarh Muslim University & Ors.*, (2009) 4 SCC 555. Relevant paragraph No. 24.

⁸ See: *Varun Kumar Agarwal v. Union of India & Ors*, 2011 SCC OnLine Del 1133.



- (i) The communication issued by Principal of College of Nursing, AIIMS on 03rd November, 2015, in response to the proposal of AIIMS *qua* reservation. The above noted communication only mentions that the Principal, College of Nursing, has no objection *qua* reservation towards Nursing Tutors, however, no distinction is mentioned *insofar* as “In-service” seats are concerned.
- (ii) Minutes of 114th Academic Committee Meeting held on 16th June, 2016 provides that the proposal of reservation of seven seat for M.Sc. Nursing course is only *qua* “Nursing Staff” and not “Nursing Tutors”. Relevant portion of the minutes reads as under: -

“Item No. 14 Proposal for reservation of 07 seats for M.Sc. Nursing course in the College of Nursing, AIIMS, New Delhi for Nursing Staff at AIIMS

Proposal for reservation of 07 seats for M.Sc. Nursing courses in the College of Nursing was discussed. The committee members were informed that these seats are over and above the number of already sanctioned seats in MSc Nursing courses at AIIMS and will be available for In Service Candidates only.

Chairman desired to know about the reservation status in M.Sc. Nursing Courses at AIIMS. He was informed that point based reservation roster system is followed at AIIMS New Delhi and the same is applicable in M. Sc. Courses as well. The proposal was approved.”

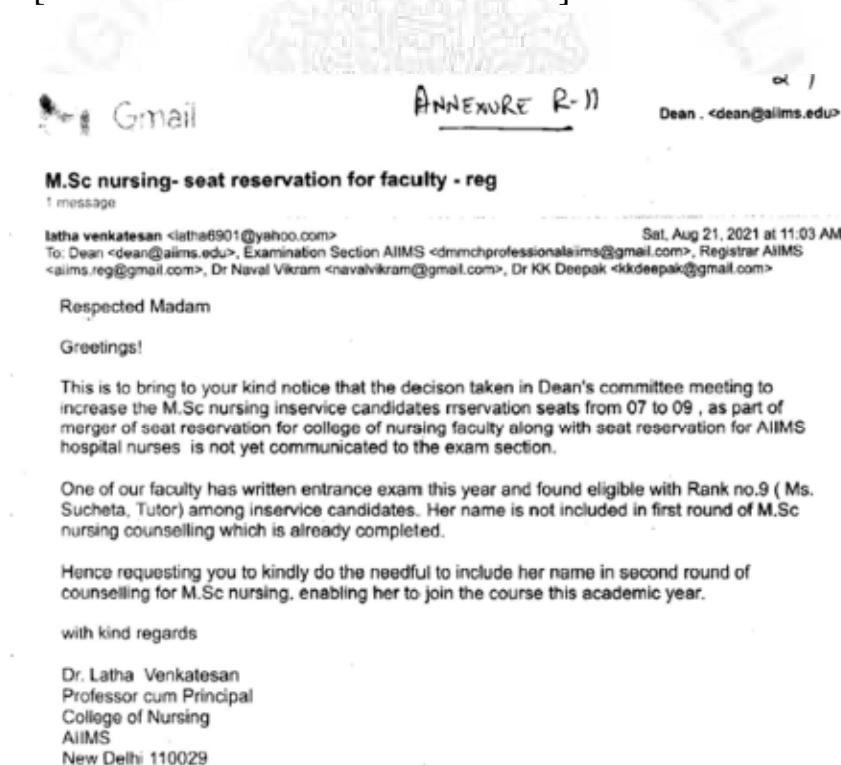
[Bold in original]

Reliance has also been placed on Minutes of Meeting with the representatives of Nurses Union, AIIMS held on 14th July, 2017 which provides that – “*as per decision in the meeting with regard to higher studies, it was informed that 7 seats in M.Sc. nursing will be*



created to exclusively AIIMS nurses staff". Both these documents do not contain an express disqualification and/or condition that "Nursing Staff" excludes "Nursing Tutors" or should be read as such. Item No. 14, extracted above, provides that the seats available for reservation are for *"In Service Candidates only"*.

- (iii) E-mail communication dated 21st August, 2021 addressed to AIIMS Dean, Academic Section, etc. from the Principal of College of Nursing (reproduced below) and Office Note dated 09th September, 2021 [Annexure R-8 of counter-affidavit]: -



The above documents do not support AIIMS' case that there was always clarity regarding the ambit of "In-service" seats for M.Sc. Nursing course. On perusal of the above e-mail communication, it is



evident that among AIIMS authorities, there appears to be some ambiguity regarding the scope of “In-service” category. Additionally, both E-mail as well as the Note reproduced above were both issued in relation to admission of the Petitioner for academic session 2021.

- (iv) Note of Deans’ Committee, AIIMS [Re: ‘Attrition of M.Sc. Nursing students Increase in In-service seats’] and Office Memorandum dated 04th August, 2022 issued by Academic Section, AIIMS. The above documents reveal that the proposal of reservation of two seats under “In-service” category for Nursing Tutors (in relation to Paediatric and Oncology specialities) is pending approval of the Deans’ Committee. These documents cannot be construed to hold that Petitioner is ineligible to seek reservation under the “In-service” category, merely because proposal for the same is floated and pending approval. That apart, the proposal floated does not pertain to the speciality that Petitioner seeks to pursue i.e., M.Sc. (Psychiatry Nursing) course.

16. In a nutshell, the afore-noted documents do not disclose any rationale or scientific basis for such classification and neither any justification has been provided therein for disqualifying the Petitioner.

17. AIIMS has also tried to justify the classification/differentiation between Nursing Staff and Tutors for additional reasons disclosed in the counter-affidavit, which find no mention in the above documents. They have argued that duties, functions, promotional hierarchy, recruitment rules, pay, cadre, etc. of Nursing Staff and Tutor vary. However, this classification is



ex-facie arbitrary and discriminatory. The above criteria have no relevance to the issue at hand as the Court is only concerned with eligibility criteria for pursuing higher qualifications and not promotional avenues. The only requirement as per the Prospectus, as noted above, in order to claim benefit of reservation is for a prospective candidate to be “In-service”. For this purpose, distinction between the two cadres is an unreasonable classification and is therefore, not sustainable. The plea of administrative exigency is a vague term deployed only to deflect the challenge. The upgradation of skills of “Nursing Staff” performing clinical duties is no doubt essential, but then such augmentation of skill set for “Nursing Tutors” is equally important as they ultimately teach other Nursing Staff, who are involved in active patient care. In order to improve and enhance medical facilities, distinction for reservation being confined only to clinical Nursing Staff, would therefore, not meet the objective, which is sought to be projected in the arguments and finds no mention in the documents annexed with counter-affidavit.

18. AIIMS has also laid emphasis on the principle of minimal judicial interference in such matters. Indeed, the same is well-settled proposition. However, approach of the decision-maker, in this case AIIMS, is not immune from scrutiny, and is liable to be tested on the anvil of arbitrariness.⁹ The Court is bound to ensure that the admission process remains just and reasonable from the perspective of candidates as well.

19. On the ground of estoppel, the Court finds that in light of facts noted above, Petitioner cannot be precluded from challenging the impugned notice

⁹ See: *Sanchit Bansal and Anr. v. Joint Admission Board and Ors.*, (2012) 1 SCC 157.



on the ground that she participated in counselling as an “In-service” candidate. By participation in the selection process, she only accepted the prescribed procedure and not the illegality of the same. Merely because she has participated in the selection process for 2022, would therefore, not be tantamount to curtailing her rights *vis-à-vis* challenging the impugned notice issued by AIIMS subsequently. There cannot also be any estoppel against the Petitioner *qua* enforcement of fundamental right including Article 14 of the Constitution of India, 1950. (See: ***Dr. (Major) Meeta Sahai v. State of Bihar and Ors.***)¹⁰. AIIMS has relied on the decision of the Apex Court in ***Karnati Ravi*** (*supra*), however, the same does not come to their aid since the selection process therein was within the knowledge of prospective candidates. In the present case, the Prospectus is silent in relation to the classification between “In-service” Nursing Staff and Tutors. In case AIIMS intended to insert an eligibility within the “In-service” cadre, it was required to do so in the Prospectus itself and not by way of the impugned notice.¹¹

20. AIIMS has also argued that Petitioner is estopped from instituting the present petition because she was aware that she was not an “In-service” candidate; considerable reliance in this regard has been placed on the Memorandum dated 15th September, 2021. According to them, since Petitioner did not challenge the same last year, she cannot challenge it for the present year. In the opinion of the Court, this is again a misconceived plea. Petitioner has explained that challenging the Memorandum pertaining

¹⁰ (2019) 20 SCC 17.

¹¹ Mr. Krishnan argues that any such disqualification would, in fact, be *ultra vires* the powers of AIIMS in the context of the AIIMS Act and Regulations. This Court, having found that AIIMS has not incorporated such a disqualification in the Prospectus for the present year, it is not considered necessary to enter into this controversy.



to last year admission (2021) would not have served any practical purpose as Petitioner's provisional admission for the said year had already been injuncted *vide* order dated 02nd September, 2022 and 03rd September, 2022 in W.P.(C) 9413/2021 [titled as ***Ramgopal Sharma & Anr. v. AIIMS***]. Finally, when Petitioner therein (*viz.* Mr. Ramgopal Sharma) succeeded in the said writ, Petitioner had no valid reason to assail the Memorandum dated 15th September, 2021 as such a relief would have been infructuous. Petitioner therefore has a continuing cause of action and failure to challenge to the admission process of last year, would not be relevant or binding for the present year. The cause of action for the present year rejection is independent and does not dis-entitle Petitioner to maintain the present petition.

Directions

21. In view of the foregoing, instant petition is allowed, and the impugned notice dated 12th September, 2022 is set-aside. Petitioner is eligible to be considered for M.Sc. (Psychiatry Nursing) course in "In-service category" in academic session 2022. AIIMS is directed to process Petitioner's application and consider her for admission as envisaged by Respondent's Result Notification No. 156/2022 [Annexure P-26], as per above directions. The above directions be complied forthwith, considering the fact that classes for the Course have commenced.

22. Accordingly, the present petition is disposed of in the afore-said terms, along with pending application.

SANJEEV NARULA, J

OCTOBER 6, 2022/d.negi