

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.4235 OF 2023
WITH**

**CIVIL APPLICATION NO.6741 OF 2023
IN
WRIT PETITION NO.4235 OF 2023**

- | | | |
|----|------------------------------|------------------------|
| 1. | Dr. Aasawari Kiran Purohit, | |
| 2. | Dr. Pradip Shivajirao Darade | |
| 3. | Dr. Smruti Ramjivan Sing | ... PETITIONERS |

VERSUS

- | | | |
|----|--|------------------------|
| 1. | Government of India,
Department of Health and Family
Welfare, through its Secretary
New Delhi | |
| 2. | National Board of Examinations
In Medical Sciences, Medical
Enclave, Ansari Nagar,
Mahatma Gandhi Road
New Delhi
through its Executive Director
(An Autonomous Body under
Ministry of Health and Family Welfare
Government of India) | |
| 3. | National Medical Commission
Through its Secretary
Plot No.14, Sector 8, Dwarka,
New Delhi | ... RESPONDENTS |

...
Advocate for Petitioners : Mr. S.S. Thombre
Advocate for Respondent No.1 : Mr. S.W. Mundhe
Advocate for respondent No.2 : Mr. N.S. Choudhary
Advocate for Respondent No.3 : Mr. S.K. Kadam
...

WITH

**WRIT PETITION NO.4719 OF 2023
WITH
CIVIL APPLICATION NO.6703 OF 2023
IN
WRIT PETITION NO.4719 OF 2023**

1. Dr. Darshan Vinayak Shingane
 2. Dr. Rahul Jiwaji Parmer
 3. Dr. Mahindra Ravinchandran Indira
 4. Dr. Abhishek Jayanti Prasad Sharma
 5. Dr. Sudhir Paresh Chandra
 6. Dr. Harinder Khemchand Singh
 7. Dr. Rajukumar Kisto Mahato
 8. Dr. Pranav Prankumar Mandalia
 9. Dr. Monika Pramod Ambekar
- ... **PETITIONERS**

VERSUS

1. Government of India,
Department of Health and Family
Welfare, through its Secretary
New Delhi
 2. National Board of Examinations
In Medical Sciences, Medical
Enclave, Ansari Nagar,
Mahatma Gandhi Road
New Delhi
through its Executive Director
(An Autonomous Body under
Ministry of Health and Family Welfare
Government of India)
 3. National Medical Commission
through its Secretary
Plot No.14, Sector 8, Dwarka,
New Delhi
- ... **RESPONDENTS**

...
Advocate for Petitioners : Mr. S.S. Thombre
Advocate for Respondent No.1 : Mr. R.B. Bagul
Advocate for respondent No.2 : Mr. N.S. Choudhary
Advocate for Respondent No.3 : Mr. S.K. Kadam
...

**CORAM : MANGESH S. PATIL &
SHAILESH P BRAHME, J.J.**

DATE : 30.06.2023

PER COURT :

We have heard the learner advocate for the petitioners in both these petitions, learned advocates Mr. Mundhe and Mr. Bagul who appear for the respondent No.1 – Government of India, learned advocate Mr. Choudhary who appears for respondent No.2 - National Board of Examinations in Medical Sciences and learned advocate Mr. Kadam, who appears for the respondent No.3 - National Medical Commission.

2. The substantive prayer in the petitions just to permit the petitioners to appear for the examination has been accomplished by virtue of the order dated 19.04.2023 whereby they were permitted to appear for the examination and the subsequent order passed on 08.06.2023 whereby we had directed declaration of their results and had permitted them to appear for the counselling round subject to the outcome of the petition.

3. In fact, there is no dispute as far as facts are concerned. The petitioners who are from amongst the 466 individuals from different 36 courses of College of Physicians and Surgeons (CPS) were initially recognized but which was cancelled but stood subsequently recognized for a limited duration of 17.10.2017 to 12.02.2018, claim to be qualified to appear for the DNB–PDCET 2023. The issue was also elaborately considered in the matter of **Anita Kishanrao Videkar Vs. Union of India through its Secretary and Ors.**; 2021(5) Mh.L.J 557.

4. In our considered view for the elaborate reasons recorded by this Court in the order dated 19.04.2023 and even in the matter of **Anita Kishanrao Videkar** (supra), the writ petition deserved to be allowed. Once having been found that these are the students who had taken admission between that window period when the 36 courses of the CPS stood recognized, the petitioners would be eligible to appear at the aforementioned examination.

5. Since the petitioners have already appeared for the examinations and have been permitted to undergo the counselling round, nothing survives for the decision of this Court. The Writ Petition is allowed and disposed of. Needless to state that once having been found to be eligible to undertake the examination all the consequences would follow.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)