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

+ **Date of Decision: 15.09.2023**

% **LPA 634/2023 & CM APPL. 47822-47824/2023**

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
& ANR.

..... Appellant

Through: Mr. Anand Varma, Ms. Apoorva
Pandey, Mr Ayush Gupta, Advocates.

versus

ASHUTOSH KUMAR & ORS.

..... Respondents

Through: Mr. Rajiv Kr. Virmani, Ms. Swati
Bhardwaj and Mr. Mahendra Vikram
Singh, Advocates for respondent
No.1.
Mr. Santosh Kr. Tripathi, SC,
GNCTD with Mr. Karn Bhardwaj,
Advocates for respondents No.2 & 3.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA

SATISH CHANDRA SHARMA, CJ. (ORAL)

1. The instant LPA has been filed challenging order dated 06.09.2023 passed in C.M. Application 45388/2023 in W.P.(C) 11635/2023 (“**Impugned Order**”), whereby the learned Single Judge has granted interim relief in the favour of the Petitioner-therein (“**Respondent No. 1**” or “**Applicant**”), and allowed provisional admission to the super-specialty course of MD (Hospital Administration) at the All India Institute of Medical



Sciences (“**AIIMS**” or “**Appellant Institute**”), subject to the final outcome of the writ petition.

2. The facts leading to the filing of the instant appeal are, that AIIMS issued an admission notice bearing No. 71/2023 dated 22.03.2023, inviting online applications for the Institute of National Importance Super Speciality Entrance Test (“**INI-SS**”) for DM, M.Ch. and MD Hospital Administration courses for the July 2023 session (“**AIIMS Admission Notice**”). The Applicant, applied for admission to the aforesaid courses. The Appellant Institute *vide* result notification No. 69/2023 dated 05.05.2023, result notification No. 70/2023 dated 09.05.2023 and result notification No. 80/2023 dated 29.05.2023 (collectively referred to as “**Provisional Result Notifications**”) issued a list of provisionally eligible/qualified candidates for online institute allocation/admission at the AIIMS. As per the said Result Notifications, the Applicant was considered to be qualified for a seat in the MD (Hospital Administration) programme offered by the Appellant Institute.

3. Thereafter, the Appellant Institute issued Notice No. 147/2023 dated 03.08.2023 notifying the schedule of open round for Institute allocation against the applied subject for the July 2023 session. The Applicant states that he deposited an amount of Rs. 3 lakhs and participated in all the counselling rounds held on 09.06.2023 (“**First Counselling**”), 11.07.2023 (“**Second Counselling**”), 25.07.2023 (“**Third Counselling**”) and 24.08.2023 (“**Open Counselling**”) as required. The Applicant in the underlying writ petition states that he was allotted a seat for the MD (Hospital Administration) program *vide* office letter No. F.AIIMS/EXAM.SEC./4-12/(INI-SS-JULY-2023)/2023 dated 24.08.2023



(“**Allotment Letter**”) based on the results of the Open Counselling, however, it is stated that he was granted only three working days i.e. 25.08.2023, 28.08.2023 and 29.08.2023 for joining AIIMS.

4. At the time of applying for admission, the Applicant was working as Medical Officer with the Government of NCT of Delhi (“**GNCTD**” or “**Respondent No. 3**”). The Applicant in the underlying writ petition states that being a Government Employee, he sought a No Objection Certificate (“**NOC**”) and a study leave for three years from Respondent No. 3 after clearing INI-SS and being allotted a seat for MD (Hospital Administration) program at AIIMS. The Applicant also addressed a communication to AIIMS on 28.08.2023 requesting for extension of time in joining the course. On 29.08.2023, the Applicant states that he sought admission at AIIMS on provisional basis as he was unable to obtain NOC due to various administrative hurdles faced by him which were beyond his control, however his request was not granted. Aggrieved with the same, the Applicant approached this Court by way of the underlying writ petition.

5. The learned Single Judge, after hearing the parties, passed an interim order on 06.09.2023 wherein he observed as under:

“7. The petitioner in absence of allotment of a seat cannot be expected to have applied for the study leave/earned leave/EOL. Once the allotment had taken place, the petitioner immediately took steps for the aforesaid process.

8. It is thus seen that prima facie no fault lies to the petitioner in making the application for obtaining the study leave/earned leave/EOL on 25.08.2023.

9. The application is admittedly pending with the respondent- Department who submits that the same is in the process. Since the seat has already been allocated to the petitioner on the basis of the merit and if the same is not filled



up, it will have to be carried forward for the next examination. The next allotment normally will take place after six months. There would be no useful purpose to keep a seat of super-speciality category relating to medical education vacant.

10. The petitioner was to report on 29.08.2023 to respondent No.1- AIIMS. When the petitioner reported, the respondent No.1/AIIMS did not accept his joining for want of requisite NOC relating to study leave/earned leave/EOL.

11. Since the petitioner has timely reported and only on account of the study leave/earned leave/EOL, NOC, the joining has not been accepted, therefore, it is directed that subject to final outcome of the instant writ petition, the petitioner be permitted to complete the formalities and he also allowed to undergo the requisite course.

12. The respondent No.4/GNCTD is also directed to expedite the issuance of NOC. Let the final decision with respect to issuance of NOC be taken within 15 days.

13. Needless to state that merely on the basis of the interim order passed by this court, the petitioner will not claim any equity at the final hearing of the instant matter.

14. With aforesaid directions, the application stands disposed of."

6. Learned Counsel for the Appellants submits that there were strict timelines set in place for admission into the MD Course at the AIIMS, as per which the last date for admission was 31.08.2023. As the Appellant failed to obtain the requisite NOC, he did fulfil the eligibility criteria and therefore could not be granted admission.

7. Learned Counsel for the Appellants refers to the decision of the Hon'ble Supreme Court in **Mridul Dhar v. Union of India**, (2005) 2 SCC 65; **Faiza Choudhary v. State of J&K**, (2012) 10 SCC 149, and **Ashish Ranjan v. Union of India**, (2016) 11 SCC 225, to submit that the schedule for admission and timelines must be mandatorily adhered to, and as per the



same the last date of admission for PG (Super Specialty) Medical Courses is 31.08.2023 and the same cannot be extended. He also places reliance upon a judgment of the Apex Court in *Education Promotion Society for India v. Union of India*, (2019) 7 SCC 38, and a judgment of this Court in *Glocal Medical College Super Speciality Hospital & Research Centre v. Union of India*, 2019 SCC OnLine Del 11607, wherein this Court refused to extend the timelines as laid down by the Hon'ble Supreme Court.

8. It is submitted by learned counsel for the Appellants that the Hon'ble Supreme Court has deprecated the practice of directing admission by grant of interim orders. He relies on a decision of the Apex Court in *Priya Gupta v. State of Chhattisgarh*, (2012) 7 SCC 433, to buttress this submission.

9. It is further submitted by the learned counsel for the Appellants that Clause 7.4 of the Prospectus issued by AIIMS on 22.03.2023 inviting applications for INI-SS states that candidates should inform their employer in writing that they are appearing for INI-SS and this would imply that the Applicant was aware from 22.03.2023 that he would have to apply for NOC from his current employer.

10. *Per contra*, learned counsel for Respondent No. 1 submits that he has applied for the NOC but has been unable to obtain the same due to administrative constraints and there is no fault on his part and therefore he should not be denied admission on this ground after having qualified for a seat.

11. Mr. Santosh Kumar Tripathi, learned Standing Counsel for the Government of NCT of Delhi states that the Competent Authority is processing the application made by Respondent No. 1 for grant of NOC however the same is taking some time.



12. Heard learned counsels for the parties and perused the record. The present case is being disposed of at the admission hearing stage with the consent of the parties.

13. This Court has carefully gone through the judgments relied upon by the Appellants. It is correct to state that the Supreme Court has consistently observed that the time schedule laid down by the concerned Statutory Bodies and approved by the Apex Court in **Ashish Ranjan** (supra) must be adhered to strictly by all concerned parties, such as State Governments, Universities etc. The reasoning behind the same is succinctly explained by the Apex Court in **Mridul Dhar** (supra) as follows:

“7. It is a matter of anguish that despite various decisions of this Court and laying down of a time schedule for completion of admission process, the time schedule has not been adhered to at various stages by various authorities resulting in otherwise avoidable discontentment and hardship to the candidates. The observance of the time schedule is paramount for effective utilisation to all-India quota of medical and dental seats. The denial of a seat in the college of choice on the basis of one's merit position leads to frustration and results in injustice to the young students. The admission to a professional course based on merit position is paramount for the career of a student. The omission and commission in respect of admissions this year, as is evident from the orders aforementioned, adversely affected the career of meritorious students in their not getting admission in the college of their choice. Any frustration and feeling of injustice at an impressionable age at which the students compete in all-India competition is neither desirable from the point of view of either the young students nor for the country's future. We are concerned with the career of those bright candidates who compete in a tough all-India competition. In this background, it is necessary to examine the acts of omission and commission at various levels, the suggestions that have been made and submissions put forth, to consider the issuance



of directions for streamlining admissions from the next academic year in MBBS/BDS courses.”

14. A reading of the aforesaid paragraph makes it clear that the core principle behind following the time schedule prescribed in a strict manner is because admission in professional course must be based on merit position. The denial of admission to a candidate who is meritorious would amount to injustice and such an outcome is not desirable. In order to give paramount importance to merit in grant of admission to professional courses, it is desirable that time schedule is followed strictly by all parties concerned.

15. In ***Faiza Choudhary*** (supra) the Hon’ble Supreme Court denied admission to the Appellant-therein as there were several candidates who had ranked higher than the Appellant-therein and grant of admission to such a candidate would defeat the objective of admitting students on the basis of merit. Similarly, in ***Priya Gupta*** (supra), the Appellants-therein had been granted admission by taking advantage of the fact that they were persons of influence and had side-stepped the procedure established. The instant case however is not a case where Respondent No. 1 lacks merit or has side-stepped the procedure for grant of admission into the Appellant Institute.

16. While it is correct that the Apex Court has deprecated the practice of grant of admission to candidates on the basis of interim orders, the Hon’ble Supreme Court has also consistently observed that a meritorious candidate should not be denied admission when there is no fault on the part of the candidate. The Hon’ble Supreme Court in ***Rajendra Prasad Mathur v. Karnataka University***, 1986 Supp SCC 740, has observed as under:

“8. ...

Now it is true that the appellants were not eligible for admission to the engineering degree course and they had no



*legitimate claim to such admission. But it must be noted that the blame for their wrongful admission must lie more upon the engineering colleges which granted admission than upon the appellants. It is quite possible that the appellants did not know that neither the Higher Secondary Examination of the Secondary Education Board, Rajasthan nor the first year BSc examination of the Rajasthan and Udaipur Universities was recognised as equivalent to the Pre-University Examination of the Pre-University Education Board, Bangalore. The appellants being young students from Rajasthan might have presumed that since they had passed the first year BSc examination of the Rajasthan or Udaipur University or in any event the Higher Secondary Examination of the Secondary Education Board, Rajasthan they were eligible for admission. **The fault lies with the engineering colleges which admitted the appellants because the Principals of these engineering colleges must have known that the appellants were not eligible for admission and yet for the sake of capitation fee in some of the cases they granted admission to the appellants. We do not see why the appellants should suffer for the sins of the managements of these engineering colleges.** We would therefore, notwithstanding the view taken by us in this Judgment, allow the appellants to continue their studies in the respective engineering colleges in which they were granted admission. But we do feel that against the erring engineering colleges the Karnataka University should take appropriate action because the managements of these engineering colleges have not only admitted students ineligible for admission but thereby deprived an equal number of eligible students from getting admission to the engineering degree course. We also endorse the directions given by the learned Judge in the penultimate paragraph of his Judgment with a view to preventing admission of ineligible students.”*

(emphasis supplied)

17. The principle laid down above was followed by the Apex Court in **A. Sudha v. University of Mysore**, (1987) 4 SCC 537, where it held:



*“18. The facts of the instant case are, more or less, similar to the Rajendra Prasad Mathur case [1986 Supp SCC 740 : AIR 1986 SC 1448:] . It has been already noticed that on the appellant's query, the Principal of the Institute by his letter dated 26-2-1986 informed her that she was eligible for admission in the First Year MBBS course. It was, inter alia, stated in the letter that the candidate should have obtained 50 per cent marks in the optional subjects in the B.Sc. examination. There is no dispute that the appellant had obtained 54 per cent marks in those subjects in the B.Sc. examination. **The appellant was, therefore, quite innocent and she was quite justified in relying upon the information supplied to her by none else than the Principal of the Institute in the said letter in regard to the eligibility of the admission in the First Year MBBS course. In the circumstances, we do not think that we shall be justified in penalising the appellant by not allowing her to continue her studies in the MBBS course. Prima facie it was the fault of the Principal of the Institute** but, in our view, the statement that was made by him in his said letter to the appellant as to the eligibility of the appellant for admission to the MBBS course, was on a bona fide interpretation of the regulations framed by the Mysore University for admission to MBBS course for the academic year 1985-86, which to some extent suffer from ambiguity. The regulations should have been more clear and specific. Be that as it may, following the decision of this Court in Rajendra Prasad Mathur case [1986 Supp SCC 740 : AIR 1986 SC 1448:] while we dismiss the appeal, we direct that the appellant shall be allowed to prosecute her studies in the MBBS course, and that her result for the First Year MBBS examination be declared within two weeks from date.”*

(emphasis supplied)

18. In **Chowdhury Navin Hemabhai v. State of Gujarat**, (2011) 3 SCC 617, the Hon'ble Supreme Court, invoking Article 142 of the Constitution of India, granted admission to the candidates as it found fault on the part of the rule-making authority therein. The Court observed that even though the candidates were not eligible for admission as per Medical Council of India



Regulations on Graduate Medical Admission, 1997, as the candidates were not at fault, they were granted admission by the Court. The relevant extracts of the judgment are as under:

“19. This is, however, a clear case where the admissions of the seven appellants took place due to the fault of the rule-making authority in not making the State Rules, 2008 in conformity of the MCI Regulations. For this fault of the rule-making authority if the appellants are discharged from the MBBS course, they will suffer grave injustice. On the peculiar facts of the case, we are thus of the view that this is a fit case where this Court should exercise its power under Article 142 of the Constitution to do complete justice between the parties.

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22. In the facts of the present case, we have found that the appellants were not to be blamed for having secured admission in the MBBS course and the fault was entirely of the rule-making authority in making the 2008 Rules and the appellants have gone through the pains of appearing in the common entrance test and have been selected on the basis of their merit and admitted into the MBBS course in the College in accordance with the State Rules, 2008 and have pursued their studies for a year. Hence, even though under the MCI Regulations the appellants were not eligible for admission to the MBBS course in academic year 2008-2009, for the purpose of doing complete justice in the matter before us, we direct that the admissions of the appellants to the MBBS course in the College during academic year 2008-2009 will not be disturbed. This direction shall not, however, be treated as a precedent. The appeal is disposed of accordingly with no order as to costs.”

(emphasis supplied)

19. In the case of *Asha v. Pt. B.D. Sharma University of Health Sciences*, (2012) 7 SCC 389, the Supreme Court observed that the Courts can grant admission to a student even after the cut-off date prescribed if it comes to a finding that there is no fault on the part of the candidate, the



candidate has pursued their legal remedies expeditiously and there is fault on the part of the authorities. In this regard the Court has observed as under:

*“32. Though there can be the rarest of rare cases or exceptional circumstances where **the courts may have to mould the relief and make exception to the cut-off date of 30th September, but in those cases, the Court must first return a finding that no fault is attributable to the candidate, the candidate has pursued her rights and legal remedies expeditiously without any delay and that there is fault on the part of the authorities and apparent breach of some rules, regulations and principles in the process of selection and grant of admission.** Where denial of admission violates the right to equality and equal treatment of the candidate, it would be completely unjust and unfair to deny such exceptional relief to the candidate. (Refer *Arti Sapru v. State of J&K* [(1981) 2 SCC 484 : 1981 SCC (L&S) 398] , *Chhavi Mehrotra v. DG, Health Services* [(1994) 2 SCC 370] and *Arvind Kumar Kankane v. State of U.P.* [(2001) 8 SCC 355])”*

(emphasis supplied)

20. The principle laid down in the aforesaid judgment was approved by a three-judge bench of the Supreme Court in *S. Krishna Sradha v. State of A.P.*, (2020) 17 SCC 465, wherein the Court made the following observations:

*“12.2. The right to equal and fair treatment is a component of Article 14 of the Constitution. As held by this Court in *Asha v. Pt. B.D. Sharma University of Health Sciences*, (2012) 7 SCC 389 : 4 SCEC 611] that a transparent and fair procedure is the duty of every legal authority connected with admissions. In such cases, denial of fair treatment to the candidate would not only violate his/her right under Article 14 but would seriously jeopardise his/her right under Articles 19 and 21 of the Constitution of India. **A natural corollary of declaring that an administrative act more particularly the denial of admission illegally and for no fault of a candidate/student violates principles of Article 14 is that the***



citizen injured must be put back to his/her original position. In that sense, the primary relief is restitutionary. As observed hereinabove, for a meritorious student seeking admission in medical course is very important in the life of student/candidate and denial of admission to a meritorious candidate though for no fault of his/her violates his/her fundamental rights. Compensation could be an additional remedy but not a substitute for restitutionary remedies. In case of medical admissions, even the restitutionary remedy of providing a seat in the subsequent year would lead to loss of one full academic year to a meritorious candidate, which cannot be compensated in real terms. Thus compensation for loss of year could be provided, but denial of admissions to a meritorious candidate cannot be compensated in monetary terms. Thus denial of admission in medical course to a meritorious candidate for no fault of his/her and though he/she has approached the Court in time and despite the same not granting any just and equitable relief, would be denial of justice. Therefore, the question is what relief the Court can grant by which right to equal and fair treatment to a candidate is protected and at the same time neither there is injustice to other candidate/student and even compromising with the quality education. Therefore, a balance is required to be struck. However, at the same time it can safely be said that the view taken by this Court in Jasmine Kaur [State (UT of Chandigarh) v. Jasmine Kaur, (2014) 10 SCC 521 : 6 SCEC 745] that the only relief which can be granted to such a candidate would be the compensation only is not good law and cannot be accepted. Even granting a relief to such a candidate/student in the next academic year and to accommodate him/her in the next year and in the sanctioned intake may even affect the right of some other candidate/student seeking admission in the next academic year and that too for no fault of his/her. Therefore we are of the view that in the exceptional and in the rarest of rare cases and in case where all the conditions stipulated in para 33.3 in Jasmine Kaur [State (UT of Chandigarh) v. Jasmine Kaur, (2014) 10 SCC 521 : 6 SCEC 745] are satisfied, the Court can grant exceptional relief to the candidate of granting admission even after the cut-off date is over.”



(emphasis supplied)

21. Recently, the Apex Court dealt with a case similar in facts to the case before this Court. In **Rohit Kumar v. State (NCT of Delhi)**, (2021) 8 SCC 381, the Appellant-therein was a doctor who had joined the service of GNCTD and was posted as a Medical Officer with a Hospital in New Delhi. The Appellant-therein was granted permission to appear for the competitive exam for admission to MD/MS courses in medical institutions, including AIIMS. The Appellant-therein cleared the examination and was allotted a seat in MD Course in Paediatrics at Post Graduate Institute of Medical Education and Research, Chandigarh. He thereafter applied to GNCTD for a study leave/NOC however due to the COVID-19 Pandemic, GNCTD had taken a policy decision to not grant any further study leaves to doctors working in hospitals of GNCTD. Keeping these facts in view, the Apex Court observed as under:

“20. At the same time, this Court cannot be oblivious to the legitimate expectation of COVID-19 warriors like the appellant to fair treatment, in conformity with the Service Rules by which they are governed, to enable them to pursue higher education and enhance their educational qualifications. Needless to mention that doctors with higher qualifications and special knowledge in specific areas would be an asset to the medical fraternity, as also to the society.

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24. At the cost of repetition, it is reiterated that the appellant could not join the postgraduate course for no fault of his own, as his services were required in public interest, for the cause of humanity, to save lives. The admission to the postgraduate course was closed on 31-1-2021 and classes commenced soon thereafter. The appellant continued to render service to the Government of NCT of Delhi, treating patients at the Deen Dayal Upadhyay Hospital. Now that the COVID-19 situation in Delhi is under control, the Government of NCT of Delhi should,



as a model employer, make an endeavour to see that the appellant is not deprived of the fruits of his success in the INICET 2020 and is able to pursue postgraduate studies.

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31. The proposition of law which emerges from the judgments of this Court in S. Krishna Sradha [S. Krishna Sradha v. State of A.P., (2020) 17 SCC 465] and in National Medical Commission v. Mothukuru Sriyah Koumudi [National Medical Commission v. Mothukuru Sriyah Koumudi, (2021) 14 SCC 805 : 2020 SCC OnLine SC 992] is that in rare and exceptional cases, a meritorious candidate, who has suffered injustice by reason of his/her inability to secure admission in a medical course, whether undergraduate or postgraduate, due to no fault of his/her own, who has taken recourse to law promptly, without delay, might be granted relief of being accommodated in the same post in the next session.

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36. In this case, the appellant has not been able to take admission to the MD Course in Paediatrics, which commenced in January 2021, in circumstances entirely beyond his control, in spite of being selected for admission after successfully clearing the highly competitive INICET 2020. Unfortunately, the appellant was not granted study leave from the respondents concerned, for reasons not attributable to him. The appellant was not at fault. But then PGI, Chandigarh was also not at fault. The appellant also approached the High Court promptly, well before the admission was closed.

37. Having regard to the circumstances in which the appellant has been declined study leave, it cannot also be said that Respondents 1 and 2 have acted beyond the parameters of law. Nevertheless, the appellant has suffered injustice, because of the denial of study leave, in that he has been deprived of the opportunity to pursue higher studies, which many other doctors have availed. It would be unfair to deny the appellant the opportunity to enjoy the fruits of his efforts even now, when the COVID-19 situation has improved and is in control, only because the respondents have not committed “apparent breach of rules and regulations” in refusing the appellant study leave.



This Court cannot fold its arms and remain a mute spectator to the plight of the appellant. After all, “nothing rankles the heart more than a brooding sense of injustice.”

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39. In this case, there has not been any lapse on the part of the appellant. The appellant could not join the postgraduate course in PGI Chandigarh for the January 2021 session for reasons attributable to Respondents 1 and 2 though technically, the said respondents cannot be said to have acted illegally or in breach of rules and regulations, in denying the appellant study leave, in apprehension of rise in COVID-19 cases and the exigency of availability of doctors in full strength, as far as possible.

40. The appellant, who could not join the postgraduate course, due to the denial of study leave by the Government pursuant to a legitimate policy decision and in response to the call of duty, cannot now be denied relief on the hypertechnical ground that Respondents 1 and 2 had not breached any rules or regulations. It would be a travesty of justice to deny relief to the appellant, when the appellant had to make a personal sacrifice in the larger public interest, to serve the cause of humanity.”

22. A reading of the aforesaid judgments make it clear denial of admission to a meritorious candidate for no fault on their part would amount to injustice and Courts cannot be mute spectators in this regard. In the present case, Respondent No. 1 took necessary permission to appear for the INI-SS and successfully managed to clear the highly competitive exam. The Appellant Institute issued the Allotment Letter to him offering him a seat in the MD (Hospital Administration) at the Appellant Institute, subsequent to which Respondent No. 1 applied for an NOC/Study Leave from Respondent No. 3 as was required, since he was working as a Medical Officer with GNCTD at the time. It is undisputed that the Appellant Institute only gave a time of three working days to Respondent No. 1 to submit the NOC/Study Leave for grant of admission. Respondent No. 1 also sought from the



Appellant Institute, an extension of time and provisional admission before the last date of admission as GNCTD had not processed his application for NOC/Study Leave as sought by him. Accordingly, Respondent No. 1 filed the underlying writ petition on 31.08.2023, i.e., the last date of admission. The underlying writ petition was first listed on 01.09.2023 when notice was issued and on 06.09.2023, the Impugned Order was passed granting admission to Respondent No. 1 as an interim measure.

23. Keeping in view the aforesaid facts, this Court is of the view that there is no fault on the part of the Applicant, and he took recourse to the legal remedies available to him in an expeditious manner. Similar to the case in **Rohit Kumar** (supra), while the Appellant Institute cannot be found fault with for following the time schedule prescribed, no fault can be found with the Applicant either as he was unable to obtain the NOC/Study Leave in due time for circumstances beyond his control. It is also admitted by Respondent No. 3 that there has been a delay on their part to process the application for NOC/Study Leave submitted by the Applicant. Fault therefore, if any, would lie on the part of Respondent No. 3, and the Applicant cannot be punished for the same by being denied admission to AIIMS after having shown his merit.

24. In view of the above, the Respondent No. 1 having established himself as a meritorious candidate and having established that there has been no fault on his part, the denial of admission to such a candidate would amount to perpetuating injustice. In the considered opinion of this Court, the learned Single Judge has correctly granted Respondent No. 1 permission to undergo the requisite course subject to the final outcome of the writ petition. This Court finds no infirmity with the Impugned Order.



25. It is clarified that this Court has not made any final observations on the merits of the case and the learned Single Judge shall be free to decide the underlying writ petition on the basis of contentions made before it by the parties without being affected by the observations made herein.

26. With these observations, the appeal is dismissed, along with pending application(s), if any.

SATISH CHANDRA SHARMA, C.J.

SANJEEV NARULA, J

SEPTEMBER 15, 2023