



2024:DHC:2538



\$~40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 1483/2023****DR AMIT THAKUR**

..... Petitioner

Through: **Mr. Rahul Sharma, Adv.**

versus

UNION OF INDIA AND ANR

..... Respondents

Through: **Mr. Kirtiman Singh, Mr. Waize Ali Noor, Mr. Varun Rajawat, Mr. Kartik Baijal, Mr. Varun Pratap Singh, Mr. Shreya V. Mehra and Ms. Vidhi Jain, Advs. for R-2****CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****ORDER (ORAL)****20.03.2024**

%

W.P.(C) 1483/2023

1. The petitioner, after completing his MBBS and PG Diploma in Paediatrics from the University of Jammu on 23 July 2019, applied in response to applications invited by the National Board of Examinations in Medical Sciences (NBEMS) from candidates deciding to undertake the Post Diploma Centralised Entrance Test (PDCET) 2022. The result of the PDCET was declared on 24 August 2022. The petitioner secured an All India Rank of 264 in the paediatrics specialty.

2. The grievance of the petitioner is that he was entitled to be considered for preferential admission to the DNB Post Diploma Course, 2022 under the Resident of Backward Area (RBA) special

Signature Not Verified

Digitally Signed By: **AWP.(C) 1483/2023**

KUMAR

Signing Date: 01.04.2024

17:51:45

Page 1 of 3



2024 : DHC : 2538



category. Prayer (a) in the writ petition, which proceeds on that premise, seeks a direction to the respondents to allot the vacant special category DNB-PDCET seat in the associated hospitals/government medical college, NH1A, Kathua, Jammu and Kashmir to the petitioner, treating him as a special category candidate.

3. Mr. Rahul Sharma, learned counsel for the petitioner has not been able to show me any special category in which the petitioner could be entitled to secure admission, consequent to the PDCET. Admittedly, even as per the averments in the plaint, the vacant seat is reserved for Actual Line of Control (ALC) candidates from J & K. The burden of the song in the writ petition is that this seat went unfilled even after the mop-up round for filling up vacancies was conducted. The petitioner stakes his claim to the said seat.

4. There being no reservation for RBA category candidates in the PDCET, the petitioner cannot claim any right to admission to the seat which was left unfilled for non-availability of any ALC candidate after the mop-up round. At the highest, the petitioner's right would only be at par with other unreserved category candidates.

5. It is not known as to whether any unreserved category candidate, senior in merit to the petitioner, who was an aspirant to the PDCET, had also applied for admission in the mop-up round.

6. In any event, there is no dispute that the cut-off date for effecting admissions consequent to the PDCET 2022 was 26 December 2022. The Supreme Court has, in *Educare Charitable*



2024:DHC:2538



*Trust v. U.O.I.*¹ specifically held that, in the matter of admission to higher educational institutions, cut-off dates have to be strictly adhered to.

7. The present writ petition having been filed in 2023, there could, in any case, be no question of the petitioner being granted admission to the seat which was allotted for the ALC category candidate and which remained unfilled.

8. Mr. Rahul Sharma, learned Counsel for the petitioner submits that the respondents have recovered fees of ₹ 1.25 lakhs from the petitioner.

9. Mr. Varun Rajawat, learned counsel for the NBEMS submits that, if this is so, the fees would be refunded to the petitioner as per the policy applicable in that regard.

10. If the petitioner is entitled to refund, let refund be granted to the petitioner within a period of four weeks from today.

11. The writ petition stands disposed of in the above terms.

C.HARI SHANKAR, J

MARCH 20, 2024

rb

[Click here to check corrigendum, if any](#)