



2024:DHC:3215



\$~110

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3893/2024**

SAKSHI HOODA Petitioner
Through: **Mr. Randhir Singh Kalkal, Adv.**

versus

THE DIRECTOR NATIONAL MEDICAL COMMISSION
AND ORS. Respondents

Through: **Mr. T. Singhdev, Mr. Abhijit Chakravarty, Ms. Anum Hussain, Mr. Bhanu Gulati and Mr. Aabhaas Sukhramani, Advs. for R-1**
Mr. Mohinder J.S. Rupal and Mr. Hardik Rupal, Advs. for R-2 and R-4
Mr. Karn Bhardwaj, ASC with Mr. Shubham Singh and Mr. Rajat Gaba, Advs. for R-3

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR

J U D G M E N T (O R A L)
23.04.2024

%

1. The case of the petitioner is that, in the result of her professional MBBS (New Scheme) examinations conducted in November 2023, she had passed in Anatomy and Biochemistry and had failed only in Physiology. The passing marks requirement, as clarified by letter dated 19 February 2024, issued by the Under Graduate Medical Education Board (UMEB) of the National Medical Commission (NMC), annexed to the writ petition, is that a candidate is required to acquire 40% marks separately in theory and practical

Signature Not Verified

Digitally Signed By: AHT
KUMAR
Signing Date: 24.04.2024
17:20:38

WP(C) 3893/2024

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17



2024:DHC:3215



and 50% marks overall.

2. The marksheet of the petitioner discloses that, in Anatomy, the petitioner obtained 120 marks out of 200 in theory and 43 marks out of 100 in practical with a total of 163 marks out of 300.

3. Clearly, this would entitle the petitioner to be treated as having passed the Anatomy paper, as she has scored over 40% each in theory and practical and over 50% overall.

4. The petitioner also passed her Biochemistry paper as she scored 110 out of 200 in theory, 68 out of 100 in practical and a total of 178 out of 300.

5. There is no dispute, however, that the petitioner had failed in Physiology in the examination undertaken in November 2023.

6. The petitioner was, therefore, required only to re-attempt Physiology in her supplementary paper. She, nonetheless, attempted Anatomy, Physiology and Biochemistry as supplementary examinations in January 2024.

7. The petitioner's case is that, though she was required only to repeat her Physiology paper, the college authorities insisted that she undertake all the examinations.

Signature Not Verified

Digitally Signed By: AHT
KUMAR
Signing Date: 24.04.2024
17:20:38

WP(C) 3893/2024

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17

Page 2 of 4



2024:DHC:3215



8. As ill luck would have it, in the supplementary examination, the petitioner could not pass the Anatomy paper, though she passed Physiology and Biochemistry.

9. The petitioner submits that, as she was not required to undertake the supplementary examination in Anatomy, the result of the petitioner in the supplementary Anatomy paper cannot be of any consequence.

10. The petitioner has instituted this writ petition seeking a direction to the respondents to revise the result of the petitioner and issue a fresh statement of marks declaring her to have passed overall. The petitioner has also prayed that she be permitted to attend her class for the next semester.

11. The issue does not survive for consideration as, subsequently, the University of Delhi has now, on 2 April 2024 issued a revised result of the petitioner for her first professional examination of her MBBS course, showing the petitioner to have passed in all the papers.

12. The petitioner would, therefore, be entitled to promotion to the third semester of the MBBS course.

13. It is also obvious that, as the error was at the end of the University and has now been rectified on 2 April 2024, the petitioner cannot be penalised on the ground that she had failed to attend the requisite number of classes in the third semester as would entitle her

Signature Not Verified

Digitally Signed By: AHT
KUMAR WP(C) 3893/2024
Signing Date: 24.04.2024
17:20:38

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17



2024:DHC:3215



to attend the third semester examinations, on the basis of the classes that the petitioner has missed.

14. Subject, therefore, to the petitioner attending the requisite percentage of the remaining classes in the third semester, the petitioner would be entitled to appear in the examination held at the end of the third semester.

15. Should any remedial classes to be held in that regard, the college would also take steps in accordance with the applicable procedure in that regard.

16. The petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

APRIL 23, 2024
dsn

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

Signature Not Verified

Digitally Signed By: AHT
KUMAR WP(C) 3893/2024
Signing Date: 24.04.2024
17:20:38

Signature Not Verified

Digitally Signed
By: CHANDRASHEKHARAN
HARI SHANKAR
Signing Date: 24.04.2024
17:19:17