



2024:DHC:998



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

+ **W.P.(C) 9967/2023**

PALLAVI KAR

..... Petitioner

Through: **Mr. Satya Narayan, Advocate**

versus

**NATIONAL BOARD OF EXAMINATION
IN MEDICAL SCIENCE & ORS.**

..... Respondents

Through: **Mr. Kirtiman Singh, CGSC**
with **Mr. Waize Ali Noor, Mr. Varun**
Rajawat, Mr. Varun Pratap Singh, Mr.
Kartik Baijal, Ms. Vidhi Jain and Ms.
Shreya V. Mehra, Advocates for R1
Ms. Shyel Trehan and Ms. Shivalika
Rudrabatla, Advocates for R3

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER (O R A L)

09.02.2024

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1. Consequent to completion of her MBBS in 2018 and MD in Radiology in 2021, the petitioner applied for grant of the FNB (Fellowship of National Board) fellowship, which is granted by the Respondent 1/National Board of Examination (NBE). She was ranked fourth in the All India Examination conducted by the NBE for grant of FNB, and was required to undergo mandatory training, before being awarded the fellowship, in the Medanta Hospital at Gurugram, which has been impleaded as Respondent 3.

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2. The petitioner's training commenced on 6 May 2022.
3. The case of the petitioner, in the writ petition, is that she was under the impression that, while other FNB courses were of two years duration, the course relating to breast imaging, which she had opted to undergo, was only of one year's duration. This, in fact, constitutes the crux of the controversy in the present petition.
4. While the merits of the stand of the petitioner may be arguable, the petitioner was, in fact awarded a completion certificate at the end of her first year training by the Medanta Hospital and was also awarded an admit card for appearing in the final examination for grant of the FNB fellowship.
5. In the counter-affidavits filed by the respondents, their stand is that the applicable Guidelines clearly provided, even at the time when the petitioner obtained admission to the FNB course, that all FNB trainings were to be of two years' duration. It is stated that, till 2020, the Breast Imaging training was of one year's duration but that, thereafter, a conscious decision was taken by the NBE to increase the duration of the training to two years. It is for this reason that while, in the Guidelines issued for FNB fellowship for the earlier years, there was a specific stipulation that the fellowship tenure for Breast Imaging would be one year, and that the tenure for other FNB fellowships would be two years, consequent on the decision taken to make the duration of the FNB fellowship training uniformly of two years for all

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subjects, the revised Guidelines, which applied at the time when the petitioner obtained admission, specifically stipulated that the FNB course would be for two years, without carving out any exception in the case of Breast Imaging.

6. The requirement of this court having to enter into this legal thicket is obviated by the fact that the Medanta Hospital has graciously agreed to provide the petitioner one more year of training, subject to the petitioner joining training within a period of four weeks.

7. Mr. Kirtiman Singh, learned Standing Counsel appearing for the NBE has also equally graciously agreed to treat her as eligible for the grant of the FNB fellowship if she completes one more year of training, as she has completed one year already.

8. Mr. Satya Narayan, learned counsel for the petitioner, on instructions, is also agreeable to the writ petition being disposed of in these terms.

9. As such, without expressing any opinion on the merits of the controversy in the writ petition, this writ petition is disposed of by directing the petitioner to rejoin training with the Medanta Hospital within four weeks from today. If she does so, the Hospital would provide her the second year of training after which she would be considered for grant of the fellowship.

10. The writ petition stands disposed of in the aforesaid terms with

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no orders as to costs.

C.HARI SHANKAR, J.

FEBRUARY 9, 2024/yg

Click here to check corrigendum, if any

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