



2024:DHC:3856



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 9028/2020****ASSOCIATION OF MD PHYSICIANS & ANR.... Petitioners****Through: Mr. Adit S. Pujari, Adv.****Versus****UNION OF INDIA & ORS. Respondents****Through: Mr. Manish Mohan, CGSC
Mr. T. Singhdev, Mr. Abhijit Chakravarty,
Ms. Bhanu Gulati and Mr. Sourabh Kumar,
Advocates, for Respondent 2.****CORAM:****HON'BLE MR. JUSTICE C.HARI SHANKAR****JUDGMENT (ORAL)**

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10.05.2024**W.P.(C) 9028/2020****1. The prayer clause in this amended writ petition read thus:**

“In view of the aforementioned facts and circumstances, it is most respectfully prayed that this Hon’ble Court may be graciously pleased to:

a) Issue an Appropriate Writ, Order or Direction, setting aside/quashing the arbitrary and onerous conditions set out at paragraph 5E(ii) that form a part of the First Impugned Bulletin dated 08.10.2020, titled, “Foreign Medical Graduate Exam Screening Test Information Bulletin December 2020 Session,” and the Second Impugned Bulletin Information Bulletin dated 16.04.2021, titled, “Foreign Medical Graduate Exam Screening Test Information Bulletin June 2021 Session”, published by the National Board of Examinations/ Respondent No. 03 detailing the relevant information for the conduct of the Foreign Medical

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Graduate Exam on 04.12.2020 and 18.06.2021 respectively and the consequences thereof;

b) Issue an appropriate writ, order, or direction in the nature of a Writ of Mandamus, to the Respondent No.3 to ensure that the challenges/ onerous conditions sought to be quashed at Prayer “a” above do not form a part of any subsequent Information Bulletins issued by the National Board of Examinations/ Respondent No. 03 detailing the modalities of the conduct of the Foreign Medical Graduate Examination; and

c) pass such further order(s) as may be deemed fit and proper in facts and circumstances of the present case, in the interest of justice.”

2. Learned Counsel for the petitioners acknowledges that insofar as the prayer a) is concerned, with the passage of time, it has been rendered infructuous, as the challenge in the said prayer, is to condition which figure in the bulletin relating to Foreign Medical Graduate Examination Screening Test to be conducted in 2020-2021. He, however, presses prayer b), which seeks a writ of mandamus to Respondent 3/NBEMS to ensure that the similar conditions do not form part of any information bulletin.

3. In my opinion, no such anticipatory writ of mandamus can be issued. The Court cannot presume the contents of any subsequent bulletin. Needless to say, if any condition in a subsequent bulletin issued by the respondent is, according to the petitioners, legally unsustainable, the petitioners would be at liberty to challenge the said condition in accordance with law.

4. With the above observations, this writ petition is disposed of.

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CM APPL. 29088/2020, CM APPL. 30853/2020 and CM APPL. 30854/2020

5. These applications do not survive for consideration and stand disposed of.

C.HARI SHANKAR, J

MAY 10, 2024

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Click here to check corrigendum, if any

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