



2024:DHC:9271-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 29.11.2024

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W.P.(C) 9876/2020 & CM APPL. 31508/2020

DR. PUSHPANJALI OJHA

.....Petitioner

Through: Mr.Arpit Batra and Mr.Saurav
Sharma, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms.Bharathi Raju, SPC for UOI

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner praying for the following reliefs:

"1. Issue a Writ, Order or direction in the nature of mandamus or any other appropriate writ directing the Respondent No. 1 to allot the Petitioner with a seat in her specialty course in AHRR.;

2. Issue a Writ, Order or direction in the nature of mandamus or any other writ directing the Respondents to compensate the Petitioner with the amount equivalent to the bond money unfairly shelled out from the Petitioner alongwith compensation and interests;

3. Issue a Writ, Order or direction in the nature of mandamus or any other writ directing the Respondents to allot any vacant seats emerging out of the notice dated 08.10.2020 postponing the Super Specialty/DNB SS Counselling 2020.



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4. Issue a Writ, Order of direction in the nature of mandamus or any other writ directing the authority to correct the “unfit” status on her medical examination with the current “fit” status;”

2. It is the case of the petitioner that the petitioner, in October 2014, submitted her willingness to join the Short Service Commission (SSC) and serve the Armed Forces of the nation. She went through the mandatory medical examination conducted at the Army Hospital Research and Referral Institute (AHRR). She submits that during her medical examination, she, unfortunately, met with an accident because of which she sustained a minor ligament injury. This led the AHRR to declare her to be unfit for serving in the Armed Forces. The petitioner was, however, not released her original documents, as AHRR had seized the original certificate and documents of the petitioner. The petitioner then cleared the NEETSS (National Eligibility cum Entrance Test for Super Specialty) Course Examination, on 15.07.2019, in Guwahati, securing Rank 53. She was allotted a seat in DNB SS (Diploma of National Board for Super Specialty) in clinical hematology, and was issued an allotment letter for the same. Thereafter, she demanded the release of her original documents. However, the same were not released to her.

3. The petitioner was again declared medically unfit for the allotment of the said seat, even though the medical examination held on 12.07.2019 declared her fit. Aggrieved thereby, the petitioner has approached this Court.

4. In the course of hearing on 04.10.2024, this Court found certain



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discrepancies in the medical documents pertaining to the examination of the petitioner in the year 2019. This Court, therefore, directed the respondents to produce the original documents before this Court.

5. The learned counsel for the respondents has produced the original documents. We have perused the same.

6. The learned counsel for the petitioner submits that the petitioner was not communicated this report in the amended form, and what was communicated to the petitioner was only the unamended form which is filed along with the petition as Annexure-(F).

7. We do not intend to go into this controversy in the present petition at this stage, as more than four years have passed since the admission process. The course would have certainly been over by now.

8. The petition along with the pending application is accordingly disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 29, 2024/sg/as

Click here to check corrigendum, if any