



\$~A-26

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

+ **W.P.(C) 11901/2024**

SANJAY KHAN

..... Petitioner

Through: **Mr.Viraj Kadam, Advocate**

versus

**NATIONAL BOARD OF EXAMINATIONS IN MEDICAL
SCIENCES & ANR.**

..... Respondents

Through: **Mr.Kirtiman Singh, Mr.Waize Ali
Noor, Mr.Maulik Khurana, Mr.Varun
P Singh and Mr.Ranjeev Khatana,
Advocates for R-1**

**Mr. T. Singhdev, Ms.Anum Hussain
and Mr. Sourabh Kumar, Advocates
for R-2/NMC**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

%

29.08.2024

CM APPLs.49519-20/2024 (Exemptions)

Exemptions allowed subject to just exceptions.

The applications stand disposed of.

W.P.(C) 11901/2024

1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:-

“a. Allow the present writ petition;

*b. Quash and set aside Show Cause Notice
NBEMS/DoEC/51002/EEC/2311214911/2024/53375 dated
03.05.2024 (Annexure P-1)*

c. Issue Writ of Mandamus or any other appropriate writ



calling upon Respondent no.1 to release Petitioners result to him and allow Petitioner to get provisional/ permanent registration in accordance with law;

d. Direct Respondent no.1 to place on record the impugned video for perusal of this honorable Court;

e. Appoint advocate court commissioner to examine and look into the entire CCTV footage of examination and report to this honorable Court;

f. Pass such other orders necessary in the interest of justice.”

2. After some length of arguments, learned counsel appearing on behalf of the petitioner, on instructions, does not press the instant writ petition on merits and seeks an innocuous prayer that the respondent No.1 may be directed to pass an appropriate order after considering the reply dated 9th May, 2024 filed by the petitioner to the show cause notice dated 3rd May, 2024, in accordance with law.

3. *Per Contra*, learned counsel appearing on behalf of respondents vehemently opposed the instant petition on the issue of maintainability, but has no objection to the innocuous prayer made on behalf of the petitioner.

4. Heard learned counsel for the parties and perused the record.

5. After perusal of the record, contentions made in the petition as well as the innocuous prayer made on behalf of the petitioner and no objection from the respondents, this Court is inclined to allow the prayer of the petitioner.

6. Since reply to the show cause notice has already been filed within the stipulated time, which is pending adjudication before the concerned Committee of the respondent No.1, the concerned Committee is directed to give an opportunity of hearing to the petitioner by intimating him the date of personal hearing, and thereafter, pass a speaking order in accordance with law, expeditiously, preferably within three weeks from today. It is made



clear that the order passed in the present petition shall not be treated as a precedent.

7. With the aforesaid directions, the instant petition stands disposed of alongwith pending applications, if any.

CHANDRA DHARI SINGH, J

AUGUST 29, 2024
dy/ryp