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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12925/2024, CM APPL. 53912/2024 & CM APPL.
53913/2024

IDEAL INSTITUTE OF MEDICAL SCIENCEPetitioner

Through: Mr. Kumar Shashank, Mr. Nivesh
Kumar, Mr. Piyush Tonk, Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Mukul Singh, CGSC with Ms. Ira
Singh, Mr. Utsav Pokhriyal,
Advocates for R-1.
Mr. T. Singhdev, Mr. Bhanu Gulati,
Mr. Aabhaaj Sukhramani, Advocates
for R-2 & 3/NMC

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
13.09.2024

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1. The Petitioner's grievance arises from the communication dated 4th July, 2024, whereby the National Medical Commission (NMC), Medical Assessment and Rating Board (MARB), has conveyed their disapproval on the Petitioner's application for the establishment of a new medical college—being Ideal Institute of Medical Science—for the Academic Year 2024-25 under Sections 28(3) of the National Medical Commission Act, 2019¹. The Petitioner's first appeal before the Appellate Committee has also been rejected, as communicated to the Petitioner through order dated 7th August,

¹ "the Act"



2024.

2. The Petitioner has now preferred a second appeal before the Central Government under Section 28 (6) of the Act. It is pointed out that the Petitioner had filed the appeal on 17th August, 2024, and under the statute, the same has to be decided within a period of 45 days. However, counsel for Petitioner expresses urgency, stating that the third round of counselling is to commence at the end of this month, and therefore, if the decision is not rendered expeditiously, the Petitioner's legal remedy of appeal would be frustrated.

3. Accordingly, the present petition is disposed of with a direction to Respondent No. 1 to decide the Petitioner's appeal positively by 25th September, 2024. In the event, the decision is adverse to the Petitioner's interest, they shall be free to take recourse to appropriate remedies as available in accordance with law.

4. The Court has not examined the merits of the case. All rights and contentions of the parties are left open.

5. With the above directions, the present petition is disposed of.

SANJEEV NARULA, J

SEPTEMBER 13, 2024/ab