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

+ **LPA 1134/2024**

DR YASH JAIN

.....Appellant

Through: **Mr. M.V. Mukunda, Adv.**

versus

**THE NATIONAL BOARD OF EXAMINATIONS IN
MEDICAL SCIENCES & ORS.**

.....Respondents

Through: **Ms. Monica Arora, CGSC with
Mr. Subhrodeep Saha, Ms.
Radhika Kurdukar, Advs. for
UOI.**

**Mr. Kirtiman Singh, CGSC
with Mr. Malik Khurana, Mr.
Waize Ali Noor, Advs.**

**Mr. T Singhdev, Mr. Abhijit
Chakravorty, Ms Yamini Singh,
Advs. for NMC**

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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20.11.2024

CM APPL. 67378/2024 (Ex.)

Allowed, subject to all just exceptions.

The application is disposed of.

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1. The appellant is aggrieved by the judgement rendered by the learned Single Judge dated 14 October 2024 in terms of which its writ petition under Article 226 of the Constitution has come to be dismissed with it being observed that this Court would lack territorial jurisdiction.



2. The issue which was sought to be canvassed in the writ petition itself pertained to the reliefs claimed against the National Board of Examinations in Medical Sciences, the first respondent, and the prayer for the allotment of an alternate seat in any other institution to the writ petitioner/appellant. The appellant was constrained to approach this Court since the fourth respondent, Darbhanga Medical College in which he had been accorded admission, had come to be de-accredited.

3. The learned Single Judge proceeded to dismiss the writ petition following a judgment rendered by the Court in **Shri Siddhi Vinayak Medical College & Hospital vs. Union of India**¹ and on the ground of lack of territorial jurisdiction.

4. Before us, however, learned counsels for parties are ad idem that that in light of the jurisdiction clause which applied to the examination and admission process, the writ petition was clearly maintainable before this Court. In view of the aforesaid and the undisputed position which emerges from the record, we find ourselves unable to sustain the view as expressed.

5. The appeal shall stand allowed. The impugned judgment dated 14 October 2024 shall consequently stand set aside.

6. The writ petition shall stand revived to be placed before the board of the appropriate Roster Bench on 16.12.2024.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 20, 2024/neha

¹ 2024 SCC OnLine Del 7230