



\$~60 to 62, 66, 98 to 100

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

+ **W.P.(C) 16980/2024 and CM APPL. 71904-71905/2024**

DR. GEDEKAR PIYUSH MAHADEVRAO & ORS.Petitioners

Through: Mr.Sameer Parekh, Ms.Sonali,
Mr.E.R. Kumar, Mr.D.P. Mohanty,
Ms.Swati, Ms.Pratyaksha, Ms.Aditi
and Ms.Aadya, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

.....Respondents

Through: Mr.Anand Varma, Ms.Apoorva
Pandey and Mr.Ayush Gupta,
Advocates for R-1 & 2.
Mr.Rakesh Kumar, CGSC with
Mr.Sunil, Advocate and Mr.Gokul
Sharma, GP for R-UOI.
Mr.Sudarshan Rajan and Mr.Hitain
Bajaj, Advocates for R-4.

61

+ **W.P.(C) 17121/2024 and CM APPL. 72731-72732/2024**

DR INDU BALA

.....Petitioner

Through: Mr.Sameer Parekh, Ms.Sonali,
Mr.E.R. Kumar, Mr.D.P. Mohanty,
Ms.Swati, Ms.Pratyaksha, Ms.Aditi
and Ms.Aadya, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

.....Respondents

Through: Mr.Anand Varma, Ms.Apoorva



Pandey and Mr.Ayush Gupta,
Advocates for R-1 & 2.
Mr.Ripudaman Bhardwaj, CGSC with
Mr.Kushagra Kumar, Advocate and
Mr.Abhinav Bhardwaj, GP for R-
UOI.
Mr.Sudarshan Rajan and Mr.Hitain
Bajaj, Advocates for R-4.

62

+ **W.P.(C) 17126/2024, CM APPL. 72742/2024 and CM APPL.
72744/2024**

DR APURVA MEDHA

.....Petitioner

Through: Mr.Sameer Parekh, Ms.Sonali,
Mr.E.R. Kumar, Mr.D.P. Mohanty,
Ms.Swati, Ms.Pratyaksha, Ms.Aditi
and Ms.Aadya, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

.....Respondents

Through: Mr.Anand Varma, Ms.Apoorva
Pandey and Mr.Ayush Gupta,
Advocates for R-1 & 2.
Mr.Ripudaman Bhardwaj, CGSC with
Mr.Kushagra Kumar, Advocate and
Mr.Abhinav Bhardwaj, GP for R-
UOI.
Mr.Sudarshan Rajan and Mr.Hitain
Bajaj, Advocates for R-4.

66

+ **W.P.(C) 16318/2024, CM APPL. 68764-68765/2024, CM APPL.
72617/2024 CM APPL. 72709/2024**

DR GURMEET SINGH

.....Petitioner



Through: Mr.Sameer Parekh, Ms.Sonali,
Mr.E.R. Kumar, Mr.D.P. Mohanty,
Ms.Swati, Ms.Pratyaksha, Ms.Aditi
and Ms.Aadya, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

.....Respondents

Through: Mr.Anand Varma, Ms.Apoorva
Pandey and Mr.Ayush Gupta,
Advocates for R-1 & 2.
Ms.Monika Arora, CGSC with
Mr.Subhrodeep Saha and
Ms.Radhika, Advocates for R-UOI.
Mr.Sudarshan Rajan and Mr.Hitain
Bajaj, Advocates for R-4.

98

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W.P.(C) 17250/2024 and CM APPL. 73424-73425/2024

DR.ARUN HAVANOOR

.....Petitioner

Through: Mr.Sameer Parekh, Ms.Sonali,
Mr.E.R. Kumar, Mr.D.P. Mohanty,
Ms.Swati, Ms.Pratyaksha, Ms.Aditi
and Ms.Aadya, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

.....Respondents

Through: Mr.Anand Varma, Ms.Apoorva
Pandey and Mr.Ayush Gupta,
Advocates for R-1 & 2.
Mr.Ripudaman Bhardwaj, CGSC with
Mr.Kushagra Kumar, Advocate and
Mr.Abhinav Bhardwaj, GP for R-
UOI.



Mr.Vedansh Anand, GP for R-UOI.
Mr.Sudarshan Rajan and Mr.Hitain
Bajaj, Advocates for R-4.

99

+ **W.P.(C) 17251/2024 and CM APPL. 73427-73428/2024**

DR AAYUSHREE BHAGAT

.....Petitioner

Through: Mr.Sameer Parekh, Ms.Sonali,
Mr.E.R. Kumar, Mr.D.P. Mohanty,
Ms.Swati, Ms.Pratyaksha, Ms.Aditi
and Ms.Aadya, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES NEW DELHI
& ORS.

.....Respondents

Through: Mr.Anand Varma, Ms.Apoorva
Pandey and Mr.Ayush Gupta,
Advocates for R-1 & 2.
Mr.Abhishek Khanna, SPC for R-
UOI.
Mr.Sudarshan Rajan and Mr.Hitain
Bajaj, Advocates for R-4.

100

+ **W.P.(C) 17271/2024 and CM APPL. 73483-73484/2024**

DR. MINAKSHI

.....Petitioner

Through: Mr.Sameer Parekh, Ms.Sonali,
Mr.E.R. Kumar, Mr.D.P. Mohanty,
Ms.Swati, Ms.Pratyaksha, Ms.Aditi
and Ms.Aadya, Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES & ORS.

.....Respondents



Through: Mr.Anand Varma, Ms.Apoorva Pandey and Mr.Ayush Gupta, Advocates for R-1 & 2.
Mr.Tanveer Ahmed Ansari, SPC for R-UOI.
Mr.Sudarshan Rajan and Mr.Hitain Bajaj, Advocates for R-4.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
16.12.2024

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1. It is seen that the controversy involved in the instant writ petitions has been dealt with by this Court in ***Dr. Deepak Suresh Kumar & Anr v. All India Institute Of Medical Sciences & Ors¹***.
2. The Court, in terms of the judgment in ***Dr. Deepak Suresh Kumar***, *vide* paragraph nos.91 to 94, has observed as under:-

“91. It appears that there are two spheres, one relates to the postgraduate course and its examination while the other relates to the eligibility criteria to take part in the INI-SS examination. At the outset, no doubt, both these spheres appear to be deeply integrated, however, in no uncertain terms, it can be concluded that the PGIMER Chandigarh shall not be governed by the eligibility criteria set by AIIMS.

92. Thus, the very factum of the internal adjustment for availment or non-availment of leaves etc. and consequences thereto cannot be construed as attempting to dilute the stipulation of three completed years of the period of training, as required by AIIMS. Rather, it only focuses on the eligibility or pre-condition to appear in the postgraduate examination. If three completed years are sought to be interpreted by AIIMS to mean 36 months (1095 days), this interpretation cannot be faulted merely on the ground that certain relaxations are provided by PGIMER Chandigarh as per its notification or under leave rules etc. to appear in the examination.

93. What logically flows from the aforesaid analysis is that for a postgraduate student to be eligible to undergo a super speciality

¹ 2024:DHC:9775



course, one may have to complete three years period of training imparted during the postgraduate course by the cut-off date prescribed by AIIMS. As can be seen that the period of examination is a part of three completed years and therefore, even after the examination is over, postgraduate students can continue to undergo the requisite training so as to correct the deficiency, if any, to meet the requirement of three completed years. Thus, the sacrosanct condition which emerges is that the 36 months (1095 days) training is to be undertaken by the postgraduate students. Moreover, it is pertinent to bear in mind that the concerned course is not just academic in nature rather the course is skill based, wherein, the aspect of practical training is a quintessential concomitant of the course. Any interpretation to relax or tinker with the requisite prescription of training period in a skill based course would ultimately defeat the objective that the course strives to achieve. Though certain internal benefits may be given by the concerned institute within these 36 months to enable the students to appear in internal examinations etc., however, these benefits in no way intend to dilute the mandatory prescription of three completed years of the period of training. Any other interpretation based on the institute-specific applicable norms would result in diluting the mandatory prescription of three completed years of the period of training.

94. In a given case, if any institute imparting postgraduate course decides to take into consideration the weekly offs and other holidays to be working days and thus, extends the option to the students to attend the training during the weekly offs and other holidays, the 36 months of training would then be squeezed in a smaller period, which perhaps is a preposterous proposition and may lead to bizarre conclusions. This conclusion, if accepted, would open the pandora's box as then the entire medical education of this country would be virtually left at the sole discretion of the specific institutes which may devise their own conditions and any objective of coherence between the institutes could never be fulfilled, further leading to inherent inconsistencies and chaos. Furthermore, the affidavit tendered by AIIMS also states that it does not appear that any other institute is granting any benefits of such nature to shorten the mandatory prescription of 1095 days.

131. It goes without saying that while considering the candidature of the petitioner, AIIMS shall bear in mind all other extant rules and regulations.

132. It has also been brought to the notice of this Court that subsequently, AIIMS has written a letter to PGIMER Chandigarh to call the candidates back to complete the deficiency in training period. However, the reply of PGIMER Chandigarh regarding the same was not brought on record.

133. Be that as it may, bearing in mind the controversies which may



arise for non-completion of due training period, this Court also grants liberty to PGIMER Chandigarh to call the petitioner back to complete the deficiency in the training period so that the petitioner could not face any other controversy in future due to non-completion of training period.”

3. In view of the aforesaid, the instant writ petitions stand disposed of, along with all pending applications.

PURUSHAINDRA KUMAR KAURAV, J

DECEMBER 16, 2024

Nc/sp