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

+ **W.P.(C) 213/2025**

SAHIL ARSH

.....Petitioner

Through: Mr. Aayush Agarwala, Mr. Nilesh Kumar, Mr. Prakash Jha, Advs.

versus

NATIONAL MEDICAL COMMISSION & ORS.Respondents

Through: Mr. T. Singhdev, Mr. Abhijit Chakravarty, Mr. Anum Hussain, Ms. Yasmini Singh, Mr. Tanishq Srivastava, Advs. for R-1/NMC.
Mr. Mohinder J S Rupal, Mr. Hardik Rupal, Ms. Aishwarya Malhotra, Advs. for University of Delhi.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

10.01.2025

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1. The present petition has been filed under Article 226/227 of the Constitution of India with the following prayer:

“a) Issue a writ, order or direction in the nature of certiorari calling for the records of the case and quashing the Impugned Communication dated 30.12.2024 (Annexure-P/I) passed by Respondent No.1;

b) Issue a writ, order or direction in the nature of mandamus to Respondent No.1 directing the transfer/migration of the Petitioner from Respondent No.3 to Respondent No.2.

c) Issue any other suitable writ, order or direction which



this Hon'ble court may deem fit and proper under the circumstances of the case;”

2. Learned counsel for the petitioner submits that vide the impugned order dated 30.12.2024, the request for migration/transfer of the petitioner has been rejected in view of the Graduate Medical Education Regulation, 2023, published on 23.06.2023. Learned counsel submits that however vide a subsequent communication of the National Medical Commission (Undergraduate Medical Education Board) dated 23.06.2023 the guidelines under Graduate Medical Education Regulations 2023 were “WITHDRAWN AND CANCELLED”. Learned counsel therefore submits that the order rejecting the application for migration is illegal.
3. Issue notice.
4. Mr. T. Singhdev, learned counsel for respondent No.1 has accepted the notice.
5. Mr. Mohinder J S Rupal, learned counsel for the University of Delhi has accepted the notice.
6. Learned counsel for R-1 states at bar on instructions that only guidelines under Graduate Medical Education Regulations 2023 have been withdrawn and Graduate Medical Education Regulations 2023 are in force. Learned counsel has also raised objection as to the maintainability of the petition on the ground of territorial jurisdiction as the petitioner is a resident of Uttar Pradesh (U.P.) and the college from which the petitioner is seeking migration is situated in Rajasthan.
7. Learned counsel for the petitioner submits that in view of the statement of learned counsel for respondent No.1 that Graduate Medical



Education Regulations 2023 is still in force, he may be permitted to withdraw the present petition with liberty to file fresh petition challenging the Graduate Medical Education Regulations 2023.

8. Liberty granted.
9. In view of the submissions made, the present petition stands dismissed as withdrawn. However, it is made clear that all the contentions have been kept open and no expression made herein shall be tantamount to be expression on the merits of the case.

DINESH KUMAR SHARMA, J

JANUARY 10, 2025/AR/HT..