



2025:DHC:6870-DB



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

Date of decision: 13.08.2025

(43)+ W.P.(C) 7030/2025 & CM APPL. 31728/2025

(44)+ W.P.(C) 7149/2025 & CM APPL. 32245/2025

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

.....Petitioner

**Through: Mr.Kaushal Gautam and
Ms.Vanshika Singh, Advs.**

versus

DR SHREYA NAYAK

.....Respondent

DR PRAKHYAT ROOP

.....Respondent

**Through: Mr. Ashish Dholakia, Sr. Adv
with Ms.Ananya, Mr.Narain
Tyagi and Mr.Utsav Singhal,
Advs.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. These petitions have been filed by the petitioner, challenging the Orders dated 16.12.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1861/2022 and O.A. No. 1178/2022, respectively.

2. By the Impugned Order passed by the learned Tribunal in O.A. No. 1861/2022, the learned Tribunal has disposed of the O.A. filed by the respondent herein, with the following directions:

“14. In view of the above, the present OA is



disposed of with the following directions:

- (a) The impugned order dated 19.04.2022 {Annexure A-1} is quashed and set aside. If the applicant is still willing to complete her remaining Senior Residency period, the respondents shall allow her to do so in terms of the offer of appointment. The respondents are further directed to issue an experience certificate to the applicant upon completion of Her residency, if the applicant chooses to complete her remaining residency period. The respondents shall comply with these directions Within four weeks from the date of receipt of certified copy of this order.*
- (b) Pending MAs, if any, stand disposed of. There shall be no order as to the costs.”*

3. At the very outset, we record the submission of the learned Senior Counsel for the respondent that the respondent is not interested in completing the remaining Senior Residency period with the petitioner and, therefore, as far as the petitioner's challenge to the direction for reinstatement is concerned, the same no longer survives.

4. As far as the Impugned Order in O.A. No. 1178/2022 is concerned, although the O.A. was allowed only with the direction to the petitioner to issue the Experience Certificate to the respondent, the same has been challenged on the ground that the learned Tribunal also quashed the Impugned Termination Order dated 19.04.2022, by which the services/Senior Residency of the respondent had been terminated.

5. Even in these petitions, the respondents are not seeking their reinstatement as a consequence of the setting aside of the Termination Notice. Their claim is confined only to the issuance of an experience certificate for the period for which they undertook Senior Residency with the petitioner.



6. In view of the above, we need not go into the issue of the validity of the Termination Notices issued by the petitioner terminating the Senior Residency of the respondents. The said question is now academic in nature.

7. As far as the issue of the Experience Certificate for the Senior Residency period undertaken by the respondents is concerned, irrespective of the validity of the Termination Notice, the same deserves to be issued to the respondents.

8. We, therefore, dispose of these petitions by directing the petitioner to issue the Experience Certificate to the respondents for the period of Senior Residency undertaken by them. Such a certificate shall be issued within a period of four weeks from today.

9. The petitions, along with the pending applications, are disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 13, 2025/bs/VG/DG