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

+ LPA 597/2024 & CM APPL. 39545/2024

NATIONAL BOARD OF EXAMINATION IN MEDICAL
SCIENCES

.....Appellant

Through: Ms. Maninder Acharya, Senior
Advocate with Mr. Waize Ali Noor,
Mr. Mrinal Kumar Sharma and Ms.
Shreya Garg, Advocates.

Versus

PRASUNA CHILUKA & ANR.

.....Respondents

Through: Ms. Shyel Trehan, Senior Advocate
with Mr. Kotla Harshavardhan, Ms.
Shivalika Rudrabatla, Ms. Gayatri
Gupta, Ms. Rishabha Arora, Ms.
Mansi Sood and Dr. Prasuna,
Advocates for R-1.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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24.03.2025

1. The present Letters Patent Appeal assails the judgement dated 21.05.2024 passed by the learned Single Judge in W.P.(C) 15345/2023, whereby the learned Single Judge quashed the order dated 11.10.2023 passed by the appellant cancelling the DrNB candidature of the respondent no.1 and permitted the respondent no.1 to undertake the DrNB Final Theory Examination, May, 2024. By the impugned judgement, the learned Single Judge has passed the following directions:-

- i) The impugned order dated 11.10.2023 is quashed and set aside, whereby the appellant had cancelled the respondent no.1's DrNB candidature was cancelled and thereby the issuance of admit card for DrNB Final Theory Examination, May, 2024 was also refused.
- ii) The respondent no.1 has been allowed to undertake the DrNB final



Theory Examination, May, 2024 and the results of the said examination would, therefore, be declared.

iii) The respondent no.1 is also entitled to complete her DrNB candidature, subject to the outcome of the DrNB final theory examination and undertake the remainder of her DrNB training.

2. The appellant has raised various questions of law in the present appeal challenging the impugned judgement on various grounds. However, since the respondent no.1 has already cleared the theory as well as practical examinations conducted for DrNB Final Theory Examination, May, 2024, and completed 2 years and 332 days and only 33 days of internship/training remaining, this Court is not inclined to interfere with the relief granted by the learned Single Judge to the respondent no.1.

3. In the peculiar facts and circumstances of the present case, this order is being passed and the judgement of the learned Single Judge shall not be cited as a precedent. The questions of law raised in the present Letters Patent Appeal are also kept open.

4. This Court is permitting the respondent no.1 to complete her remaining 33 days of her DrNB training and the appellant is directed to declare the results of the DrNB Final Examination, May, 2024.

5. With the aforesaid directions, the present appeal is disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MARCH 24, 2025/rl