



2025:DHC:11056



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 01st December, 2025*+ **W.P.(C) 18028/2025 & CM APPL. 74580/2025****RIYA SEKHAWAT & ORS.**Petitioners

Through: Mr. Bankey Bihari and Ms. Suyesha Saini, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Dr. Monika Arora, CGSC with Ms. Rupali Sinha, G.P., Mr. Subhro Deep, Mr. Prabhat Kumar and Mr. Abhinav Verma, Advocates for R-1/UoI.

Mr. T. Singhdev, Mr. Tanishq Srivastava, Mr. Sourabh Kumar, Ms. Yamini Singh and Mr. Vedant Sood, Advocates for R-2/NMC.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH****JUDGEMENT****JYOTI SINGH, J. (ORAL)**

1. This writ petition is filed on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

“(a) Issue a writ of certiorari or any other appropriate writ direction or order quashing the Public Notice dated 07.12.2023 read with subsequent Public Notices dated 07.06.2024 and 19.06.2024 (Annexures P-1, P-1A and P-1B) issued by the Respondent No. 2 to the extent compulsory “two years of clerkship plus one year internship” has been imposed on the petitioners

(b) Issue a further appropriate writ or order or direction to the respondents declaring that the Petitioners, having duly and undertaken substantial clinical training, are required under law to undergo only one



year of Compulsory Rotating Medical Internship (CRMI) in India as per the CRMI Regulations, 2021, and not “two years of clerkship plus one year internship.”

(c) Direct Respondent No.2 and Respondent No.3 to forthwith grant the Petitioners permanent registration/certificates of medical practice immediately upon completion of one year internship, without insisting on further clerkship.

(d) Further direct Respondent No.2 and Respondent No.3 to ensure that all Petitioners are treated at par with Indian medical graduates, including payment of stipend not less than Rs. 30,000/- per month during their one-year internship, and to issue binding directions to all institutions that no fees, charges, or hostel expenses shall be levied nom FMGs for compulsory internship.

(e) Declare that the non-response of Respondent-No.2 (NMC) to the Petitioners’ representation dated 25.09.2025, and the refusal by Respondent No.3 (HMC) citing lack of authority, are arbitrary and violative of Article 14 and principles of natural justice.”

2. Issue notice.
3. Counsels, as above, accept notice on behalf of the respective Respondents.
4. Petitioners had enrolled in different medical colleges in Ukraine for pursuing MBBS, however, they were forced to leave the colleges without completing the course owing to Russia-Ukraine war. Petitioner No.1 completed MBBS online in June, 2023 and cleared the Foreign Medical Graduate Examination (‘FMGE’) in February, 2024; Petitioner No.2 completed the balance course online and was awarded MBBS degree in July, 2023 and cleared FMGE in February, 2024; and Petitioner No.3 was awarded MBBS degree in June, 2023 after completing the balance course online and cleared FMGE in February, 2024. All other Petitioners also came back to India and were awarded MBBS degree after completing the remaining course online and cleared their FMGE in 2024 and are similarly



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placed. Challenge in this writ petition is laid to Public Notice dated 07.12.2023 read with subsequent notices dated 07.06.2024 and 19.06.2024 issued by Respondent No.2/National Medical Commission ('NMC') whereby Petitioners are required to undergo '*two years of clerkship plus one year of internship*' in India, which according to the Petitioners is contrary to the Compulsory Rotating Medical Internship Regulations, 2021 ('CRMI Regulations') framed under National Medical Commission Act, 2019 ('NMC Act').

5. Learned counsel for the Petitioners submits that Regulation 4(1) mandates that every candidate shall be required, after passing the final MBBS Examination, to undergo Compulsory Rotating Internship (CRMI) for a period of 12 months (1 year) to be eligible for award of MBBS degree and full registration. Regulation 4(2) clarifies that this internship shall be undertaken in medical institutions recognised by NMC/State Medical Council and the entire scheme of the CRMI Regulations is structured only around this one year of internship. Likewise, the Foreign Medical Graduate Licentiate Regulations, 2021 ('FMGL Regulations') provide under Regulation 4(b) that a Foreign Medical Graduate ('FMG'), who has completed MBBS abroad and cleared the FMGE shall undergo CMRI in India for minimum one year and combined reading of CRMI Regulations and FMGL Regulations makes it clear that the legislative scheme contemplates only one year of internship and there is no statutory provision for compulsory two year clerkship in addition. It is urged that it is settled law that executive directions, office memoranda and/or public notices cannot override statutory regulations. For this proposition, reliance is placed on the judgments of the Supreme Court *State of Tamil Nadu and Another v.*



P. Krishnamurthy and Others, (2006) 4 SCC 517 and K. Ramanathan v. State of Tamil Nadu and Another, (1985) 2 SCC 116.

6. It is submitted that Petitioners have duly completed their MBBS courses and have been awarded degrees from recognised universities in Ukraine and during their tenure abroad they had undergone substantial clinical postings and hospital-based training as part of their curriculum, which is comparable in structure to the Indian MBBS Programme. Petitioners have also cleared FMGE conducted by National Board of Examinations in their first attempt, thereby demonstrating their academic competence and professional equivalence with Indian medical graduates. Petitioners were compelled to leave Ukraine due to an unfortunate and exceptional circumstance of Russia-Ukraine war and cannot be subjected to the harsh condition of additional two years of compulsory training called ‘Clerkship’ imposed by virtue of an executive direction with no force of law, inasmuch as neither the NMC Act nor CRMI/FMGL Regulations provide for two-year clerkship. This has deprived the Petitioners of opportunities for career progression and prolonged clerkship also delays their eligibility for postgraduate entrance examinations (NEET-PG), employment in hospitals and opportunities for specialization. Each additional year of compulsory and unpaid service amounts to loss of precious professional years, which cannot be compensated. In this backdrop, it is prayed that impugned notices be quashed to the extent they provide for compulsory two years clerkship and one year internship and direction be issued to the Respondents to treat the Petitioners as having completed their MBBS degrees, cleared FMGE and undertaken the required training and consequently, grant permanent registrations/certificates of medical practice on completion of one year



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internship, without any clerkship.

7. Mr. T. Singhdev, learned counsel appearing for NMC submits that the impugned Public Notices have been issued pursuant to directions of the Supreme Court in ***National Medical Commission v. Pooja Thandu Naresh and Others, (2022) 13 SCC 56***. In the said case, appeals were filed by NMC against judgment of the Madras High Court, wherein circulars dated 12.11.2020 and 24.12.2020 issued by Tamil Nadu Medical Council were quashed and direction was issued to the effect that Petitioners will undergo internship for 14 months and the additional two months shall be utilized for providing practical and clinical training in the initial phase of their internship and thereafter, the regular internship shall follow for a period of 12 months. The writ Petitioners in the said case were students who had joined medical colleges in People's Republic of China and having undergone 9 semesters of academic course including clinical training were compelled to return to India due to outbreak of COVID-19. The prime contention of the writ Petitioners was that having undergone 9 semesters of the academic course including clinical training as also having been granted degree of MBBS, they cannot be denied registration by imposing any onerous condition, save and except, a screening test as provided in the Screening Test Regulations, 2002. Contention of the Appellant/NMC was that students were required to complete the medical courses in the institutions located abroad, but were unable to do so due to sudden departure from China and cannot be granted provisional registration until they comply with requisite conditions in the impugned circulars including physical clinical training. It was urged that there can be no clinical training online since it involves diagnosis and interactions with patients. After examining



the issue as also the impugned circulars, the Supreme Court held as follows:-

“10. It is admitted by the student that she has not undergone the practical and clinical training in the physical form, though she has undergone the course through online mode for the entire duration, therefore, she satisfies the requirement under Regulation 4(3) of the Screening Test Regulations.

11. The argument of Mr Vikas Singh, learned Senior Counsel for the appellant, is that in terms of the statutory Regulations, the student has to study the medical course in the same institute located abroad for the “entire duration”. It has been argued that as per the dates of the semester and the date of departure of student from China, it shows that the student has not completed the ninth semester in part and tenth semester completely, therefore, the student is not eligible for provisional registration to undergo one year internship so as to be eligible for registration as a professional under the Act. The argument is that clinical training cannot be imparted through online mode as it is the actual training involving diagnosis and interactions with the patients. There cannot be any online clinical training which will satisfy the requisite condition of the Screening Test Regulations.

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14. The fact is that the student has admittedly not completed clinical training which was part of the curriculum in the tenth semester, may be she has not completed part of clinical training in the ninth semester as well as per the curriculum.

15. The Eligibility Regulations are to ensure that a student meets the minimum eligibility condition as per the Graduate Medical Education Regulations, 1997, but after completing the curriculum, a candidate has to qualify the screening test, provided the entire duration of the course has been completed at the same institute located abroad. The question to be examined is as to whether the degree granted by the Foreign Institute even in respect of clinical training is binding on the appellant and the student has to be provisionally registered. We find that the appellant is not bound to grant provisional registration to the student who has not completed the entire duration of the course from the Foreign Institute including the clinical training.

16. No doubt, the Pandemic has thrown new challenges to the entire world including the students but granting provisional registration to complete internship to a student who has not undergone clinical training would be compromising with the health of the citizens of any country and the health infrastructure at large.

17. The students had taken admission in medical colleges outside India for the reason that they could not get admission in the medical colleges in



India. China alone has a number of Institutes offering medical courses conducted in English language. The Act and the Screening Test Regulations are framed in such a way that the course completed by the students is treated to be valid in India provided that the medical qualification is recognised for enrolment of the medical practitioner in that country. Obviously, none of the Indian students are going to practice medicine in the foreign country, therefore, the grant of degree to the Indian students has no corresponding obligation that such students actually practice medicine in that country. In other words, the medical course is permitted to be completed abroad to practice in India only on the basis of an endorsement that the completion of such medical course entitles them to practice in the said foreign country. The courses are designed in such a way to attract students to undertake admission in the foreign institutes so that such students become eligible to practise medicine in India. The very framework of the Regulations was compromising the interests of the Indian nationals and the health infrastructure in India. However, the malice has been corrected by the 2021 Regulations but such Regulations are not applicable to the students who have taken admission in the foreign institutes prior to 18-11-2021.

18. The students claim to have completed clinical training through online mode. The online mode for practical training has come up for consideration before this Court in a judgment in Orissa Lift Irrigation Corpn. Ltd. v. Rabi Sankar Patro wherein the degree in the discipline of engineering was being conferred by online method as part of distance education course. Earlier, it was Engineering Degree by online mode and now Degree in Medicine and Surgery by online mode. This Court held that the practicals form the backbone of such education which is hands-on approach involving actual application of principles taught in theory. It was held as under : (SCC p. 534, para 48)

“48. Technical education leading to the award of degrees in Engineering consists of imparting of lessons in theory as well as practicals. The practicals form the backbone of such education which is hands-on approach involving actual application of principles taught in theory under the watchful eyes of Demonstrators or Lecturers. Face to face imparting of knowledge in theory classes is to be reinforced in practical classes. The practicals, thus, constitute an integral part of the technical education system. If this established concept of imparting technical education as a qualitative norm is to be modified or altered and in a given case to be substituted by distance education learning, then as a concept AICTE ought to have accepted it in clear terms. What parameters ought to be satisfied if the regular course of imparting technical education is in any way to be modified or altered, is for AICTE alone to decide. The decision must be specific and unequivocal and cannot be inferred merely because of absence of any



Guidelines in the matter. No such decision was ever expressed by AICTE .”

19. Therefore, without practical training, there cannot be any doctor who is expected to take care of the citizens of the country. Hence, the decision of the appellant not to grant provisional registration cannot be said to be arbitrary.

20. The argument that certain students have been granted provisional registration will not confer any right with the student to claim provisional registration so as to undergo the internship. There cannot be any equality in illegality. Reference may be made to a judgment of this Court in Chandigarh Admn. v. Jagjit Singh.

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22. However, the fact remains that the students were permitted to undergo medical course abroad and that they have completed their curriculum according to the certificate granted by such Foreign Institute. Therefore, such national resource cannot be permitted to be wasted which will affect the life of young students, who had taken admission in the foreign institutes as part of their career prospects. Therefore, the services of the students should be used to augment health infrastructure in the country. Thus, it would be necessary that the students undergo actual clinical training of such duration and at such institutes which are identified by the appellant and on such terms and conditions, including the charges for imparting such training, as may be notified by the appellant.

23. We are unable to agree with the High Court that instead of three months of clinical training in China, two months' training would be sufficient for provisional registration apart from the 12 months of internship. The courts are not expert in deciding an academic curriculum or the requirement of the clinical training which may be required to be satisfied by the students.

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25. Therefore, we direct the appellant:

25.1. To frame a scheme as a one-time measure within two months to allow the student and such similarly situated students who have not actually completed clinical training to undergo clinical training in India in the medical colleges which may be identified by the appellant for a limited duration as may be specified by the appellant, on such charges which the appellant determines.

25.2. It shall be open to the appellant to test the candidates in the scheme so framed in the manner within next one month, which it considers appropriate as to satisfy that such students are sufficiently trained to be provisionally registered to complete internship for 12 months.”



8. It is further submitted that pursuant to the directions of the Supreme Court, the impugned notices were issued providing that for FMGs, who had a break in penultimate year of study owing to COVID-19 Pandemic or war will have to undergo two years of clinical clerkship to make up for the clinical training which they could not attend physically during their undergraduate medicine courses in the foreign institutions. It is explained that the requirement of two years clerkship and one year internship i.e., total 3 years is to compensate for the two years lost in the foreign institutes and one year is the internship is commensurate with lost years in the foreign institutions and clinical training since the last year of MBBS course in India was online, which cannot be equated with actual physical training. Mr. Singhdev further submits that after the judgment of the Supreme Court, this very question was considered by the Kerala High Court in ***Dr. Thahiya Thasleem V.S. and Another v. State of Kerala, represented by Principal Secretary and Others, 2024 SCC OnLine Ker 7234*** and it was held that since Petitioners had not undergone their last year of study during the COVID-19 Pandemic in the offline mode, the mandate of undertaking CRMI for two years was neither arbitrary nor oppressive and the stipulation was incorporated in larger public interest to ensure that FMGs are granted permanent registration only after getting adequate practical training as they were unable to attend classes due to COVID-19 Pandemic or war. This judgment was upheld by the Division Bench of the Kerala High Court in ***Thahiya Thasleem V.S. and Another v. State of Kerala, rep. by Principal Secretary, Department of Health and Family Welfare and Others, 2025 SCC OnLine Ker 955***. In this context, reliance is also placed on the



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judgment of the High Court of Andhra Pradesh in ***Chukka Divya Keerthana Reddy and Others v. The Ap Medical Council and Others, Writ Petition No. 229/2025***, decided on 28.04.2025.

9. Heard learned counsels for the parties and examined their submissions.

10. The short question that arises for consideration in the present writ petition is whether the condition in the impugned Public Notices requiring the Petitioners to undergo two years of clerkship plus one year internship is arbitrary, harsh and/or oppressive, as alleged. The genesis of the stipulation in the Public Notice dated 07.12.2023 requiring two years clerkship in addition to one year internship lies in the directions issued by the Supreme Court in ***Pooja Thandu Naresh (supra)***. In the said case, as noted above, the Supreme Court was in seisin of a challenge to two circulars issued by Tamil Nadu Medical Council requiring FMGs to undergo certain period of CRRI followed by one year of internship before granting permanent registration under the Indian Medical Council Act, 1956. The writ Petitioners therein had joined different medical institutions in China and after they had undertaken 9 semesters of academic course including clinical training, they were compelled to return back to India owing to COVID-19 Pandemic and 10th semester was completed online, post which they were granted their MBBS degrees. The Supreme Court disagreed with the view taken by the Madras High Court quashing the circulars and holding that two months training would be sufficient for provisional registration in addition to 12 months of internships. The Supreme Court observed that no doubt the Pandemic had thrown new challenges to the entire world including the students but granting provisional registration to complete internship to a



student who has not undergone clinical training will be compromising with the health of the citizens and that online clinical training could be no substitute for physical practical training. It was also held that Courts are not expert in deciding an academic curriculum or the requirement of clinical training which may be required to be satisfied by the students. In this backdrop, the Supreme Court directed the Appellant/NMC to frame a scheme as a one-time measure within two months to allow students who had not actually completed clinical training to undergo clinical training in India in medical colleges on such charges which the Appellant determines.

11. In ***Dr. Thahiya Thasleem (supra)***, the Kerala High Court was dealing with a challenge to a condition requiring the Petitioners to undergo CRMI for two years and the question was whether this stipulation was arbitrary. Relying on the judgment of the Supreme Court in ***Pooja Thandu Naresh (supra)***, the Kerala High Court negated the challenge on the ground that there was no material to substantiate that Petitioners had undergone their last year of study during COVID-19 in the offline mode. The stipulation was in larger public interest to ensure that FMGs are granted permanent registration only after getting adequate practical training as they were unable to attend classes due to the Pandemic or the war. It was held that there was nothing arbitrary or oppressive in the stipulation. Kerala High Court also relied on the host of judicial precedents wherein the Supreme Court has held that Courts should refrain from substituting the wisdom of experts in academic matters. Relevant passages from the judgment are as follows:-

“19. In Chancellor v. Dr. Bijayananda Kar [(1994) 1 SCC 169], the Honourable Supreme Court observed as under:

“9. This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts.



Whether a candidate fulfils the requisite qualifications or not is a matter which should be entirely left to be decided by the academic bodies and the concerned selection committees which invariably consist of experts on the subjects relevant to the selection.”

20. *It would be relevant to refer to another judgment of the Honourable Supreme Court in All India Council for Technical Education v. Surinder Kumar Dhawan [2009 SCC OnLine SC 378], where it was held thus:*

“16. The courts are neither equipped nor have the academic or technical background to substitute themselves in place of statutory professional technical bodies and take decisions in academic matters involving standards and quality of technical education. If the courts start entertaining petitions from individual institutions or students to permit courses of their choice, either for their convenience or to alleviate hardship or to provide better opportunities, or because they think that one course is equal to another, without realising the repercussions on the field of technical education in general, it will lead to chaos in education and deterioration in standards of education.

17. The role of statutory expert bodies on education and the role of courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matter, the courts keep their hands off. If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, the courts will step in. In J.P. Kulshrestha (Dr.) v. Allahabad University [(1980) 3 SCC 418 : 1980 SCC (L&S) 436] this Court observed : (SCC pp. 424 & 426, paras 11 & 17)

“11. ... Judges must not rush in where even educationists fear to tread. ...

17. ... While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.”

21. *In Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth [(1984) 4 SCC 27], the Honourable Supreme Court held that Courts should be extremely reluctant to substitute their views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by Professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and that it will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature.*

On an evaluation of the facts, the materials and the law, especially on



finding that there are no materials to substantiate that the petitioners had undergone their last year of study during the COVID-19 pandemic in the offline mode, I do not find any valid ground to hold that Note 3 in Ext.P5 series is arbitrary or oppressive. The stipulation has been incorporated in the larger public interest to ensure that foreign medical graduates are granted permanent registration only after getting adequate practical training as they were unable to attend classes due to the pandemic or the war. This Court does not find any illegality in the condition incorporated in Note 3. In fact, there is a reasonable nexus between the condition and the object sought to be achieved. The writ petition is devoid of any merits. Consequentially, the writ petition is dismissed.”

12. This judgment was upheld by the Division Bench on 05.02.2025 and relevant passages are as follows:-

“4. The 4th and 5th respondents justify the condition incorporated in the form of Note 3 in Ext.P5 and P5(a) by pointing out that it was on the basis of the directions of the Honourable Supreme Court, the Foreign Medical students are compelled to undergo CRMI for a period of 2 years to make up for the clinical training which they could not physically attend owing to the global COVID-19 pandemic situation and Ukraine war etc. Annexure R 5(a) Circular dated 09/05/2023 and Annexure R 5(c) public notice dated 07/06/2024 are cited by the respondents to defend the impugned order.

5. In the appeal, the impugned judgment is assailed on the ground that the Single Judge omitted to note that the appellants have completed their curriculum in full including practical training with 360 ECTS credits and that the petitioners were continuing in Ukraine during the entire pandemic period and they were able to attend classes and training programmes in the physical mode, whereas the Modern Medical Council decided to insist for two year internship for the Foreign Medical graduates for the reason that they might have returned to India and attended their classes only through online mode during the pandemic period.

6. In the light of the challenges raised by the appellants, we have carefully considered all the relevant records produced along with this appeal. As per Annexure R 5(a) Circular, two year internship was required only for those Foreign Medical Graduates who were in the last year of their study and returned to India due to COVID-19 pandemic or Russian - Ukraine war etc. The said circular prescribed that after the successful completion of their course, such Foreign Medical Graduates are required to qualify Foreign Medical Graduation Examination and they have to subsequently undergo compulsory CRMI for a period of two years in a hospital attached to a Medical College. Later, as per Annexure R 5(c) public notice, it was stipulated as follows:



“2. It has been observed that many FMGs are maliciously obtaining compensatory certificates from their parent Universities for the online classes carried by them. The medical profession deals with precious human life, therefore the life of Indian citizens cannot be put at stake of poorly trained medical professional. The UGMEB has decided that henceforth, Certificate regarding the compensation/supplementation of online theory subjects/classes with offline practical and clinical training shall not be accepted.

3. FMGs who have attended their classes online for any duration during their course completion are required to qualify the FMG Examination and subsequently undergo a Compulsory Rotating Medical Internship (CRMI) for a period of two/three years (a schedule of 12 months to be repeated) as mentioned in the Circular dated 9.5.2023 and as per the public notice uploaded on 7th December 2023.”

7. It may be true that the appellants had continued in Ukraine during the relevant period without returning to India. However, even as per their own admitted case, they were not able to attend the entire part of their course through physical mode. There are no unimpeachable materials before this court to ensure that they attended all the classes during the relevant period in the physical mode. The above-said Circulars were issued by the Medical Commission in the best interest of public health and to ensure that our medical professionals are well-trained, despite the fact that during the COVID-19 pandemic and the Ukraine war, most of the students were unable to pursue their professional courses properly. When the competent authority vested with the powers to regulate medical education is convinced that several Foreign Medical Graduates have maliciously obtained compensatory certificates from their parent Universities, they issued Annexure R 5(c) Circular insisting that the Foreign Medical Graduates should undergo CRMI for a period of two years and that too, following the directions of the Honourable Supreme Court. The said stipulation appears to be lawful in the given circumstances.”

13. This very view was taken by the High Court of Andhra Pradesh in ***Chukka Divya Keerthana Reddy (supra)***. Mr. T. Singhdev is right in his submission that decisions of academic bodies should ordinarily be left to them as Courts are no experts in substituting their views. As held by the Supreme Court, role of a statutory expert body on education and role of Courts are well defined by a simple rule that generally in academic matters



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Courts must adopt a hands-off approach *albeit* if the decision is manifestly unreasonable or arbitrary or if any provision of law or principle of law is required to be interpreted, the Courts must step in. The mandatory stipulation in the impugned notices requiring the Petitioners to undergo two years clerkship with one year internship is a well thought of decision considering that Petitioners were in the penultimate year of the MBBS course when they had to return to India due to Russia-Ukraine war. Admittedly, they completed the MBBS course from India in an online mode. The Supreme Court has categorically held in *Pooja Thandu Naresh (supra)* that clinical training cannot be imparted online and to do so will be against public interest. Clinical training includes diagnosis and interaction with patients and online training can be no substitute for a physical training. Therefore, the condition of two years clerkship with one year internship, cannot be held to be arbitrary or oppressive.

14. For all the aforesaid reasons, the impugned Public Notices to the extent challenge is laid to the condition of undergoing two years clerkship with one year internship, warrant no interference and the writ petition is dismissed being devoid of merits.

15. Pending application stands disposed of.

JYOTI SINGH, J

DECEMBER 1, 2025

S.Sharma