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

+ **W.P.(C) 17780/2024**

SHIKHA PATEL AND ORS

.....Petitioners

Through: **Mr.D.K.Devesh, Advocate**

versus

**NATIONAL BOARD OF EXAMINATION IN MEDICAL
SCIENCE AND ORS**

.....Respondents

Through: **Mr.Waize Ali Noor, Mr.Mrinal
Kumar and Mr.Zillur Rahman,
Advocates for R-1
Mr.Sanjay Khanna, Ms.Pragya
Bhushan, Mr.Tarandeep Singh and
Mr.Vilakshana Dayma, Advocates for
R-2/NTA
Mr.T.Singhdev, Ms.Anum Hussain,
Mr.Saurabh Kumar, Mr.Abhijit
Chakravarty and Ms.Yamini Singh,
Advocates for R-3/NMC**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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09.01.2025

CM APPL. 75711/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(C) 17780/2024 & CM APPL. 75710/2024 (Stay)

1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking the following reliefs:-

“a. Issue writ of certiorari or any other appropriate writ



order, direction quashing the letter/ communication dated 16.12.2024 to petitioner No. 1, letter dated 19.12.2024 to petitioner No. 2, letter dated 18.12.2024 to petitioner No. 3, letter dated 17.12.2024 to the petitioner No. 4, letter dated 18.12.2024 to the petitioner No. 5, letter dated 18.12.2024 to the petitioner No. 6 and letter dated 19.12.2024 to the petitioner No. 7 and action enumerated from the said letters issued by National Board of Examination in Medical Science; and/or

b. Issue writ of mandamus or any other appropriate writ, order or direction, directing the NBEMS (Respondent No. 1) and NMC (Respondent No. 3) to register the application of the petitioners by ignoring the communication dated 16.12.2024 to petitioner No. 1, letter dated 19.12.2024 to petitioner No. 2, letter dated 18.12.2024 to petitioner No. 3, letter dated 17.12.2024 to the petitioner No. 4, letter dated 18.12.2024 to the petitioner No. 5, letter dated 18.12.2024 to the petitioner No. 6 and letter dated 19.12.2024 to the petitioner No. 7 and allow the petitioners to participate in the FMGE December 2024 and other upcoming FMGE on the basis of acknowledgement/receiving issued by the NTA (Respondent No.2); and/ or

c. Issue writ of mandamus or any other appropriate writ, order or direction, directing the NBEMS (Respondent No. 1) and NMC (Respondent No. 3) to accept the application of petitioners and permit the petitioners to participate in the FMGE December 2024 and other forthcoming FMGE; and/ or

d. Pass any such further and/or other order(s) as this Hon'ble Court deems fit and expedient in the facts and circumstances of the captioned writ petition.”

2. The respondent No.2/NTA has filed an affidavit dated 08.01.2025, however, the same is not on record. Let the said affidavit be brought on record.
3. In Paragraph 19 of the said affidavit, it has been stated as under:-



“...19. That as per the database available with the answering respondent, the details of the petitioner having her Application number and Roll number mentioned above are produced in a tabular format for easement hereinbelow:

S No	Petitioner's Name (Roll No.)	Category of Petitioner	Marks obtained	All India Rank	Category Wise Rank
1	JAHANVI BHAYAL (300304602)	OBC	108	835868	371506
2	AMALA BENNY (280101482)	UR	267	314787	138464
3	SHIKHA PATEL (440601456)	OBC	181	521008	229009
4	PRATIKSHA DEVI (390515332)	OBC	128	728364	322485
5	DEEPAK VERMA (170302169)	OBC	154	615750	271293
6	SAURAV KUMAR (150213580)	OBC	126	737467	326552
7	AVINASH SINGH (390309939)	OBC	242	366252	160646
8	DILIP MEVARAM SUTHAR (311014379)	OBC	150	635132	280198
9	MANISH DAS (430102620)	SC	196	477638	50234
10	DIKSHA KUMARI (420138851)	OBC	189	497534	218545
11	AMJAD KHAN (390348531)	OBC	124	749919	332343
12	PRADEEP SAMOTA (390337431)	OBC	114	802805	356396
13	GULAM AHMAD RAZA (390313122)	OBC	115	799770	355055
14	SACHIN SHARMA (390318236)	UR	184	512809	215373



15	SUNIL SHARMA (390335043)	UR	277	297061	131414
16	SAURABH SINGH LODWAL (309308996)	ST	120	770905	30570

4. As reproduced above, the table in Paragraph 19 provides the marks obtained, All India Rank and category-wise rank of all the petitioners of the present writ petition.
5. Learned counsel for the remaining respondents, on instructions, submit that they accept the said affidavit as the scorecard of the petitioners.
6. Learned counsel for respondent No.1 has also clarified that out of 16 petitioners mentioned in the said affidavit, 3 petitioners namely Mr.Avinash Singh, Mr.Manish Das and Ms.Diksha Kumari, have already been issued the admit cards. He further states at bar that on the basis of the averments made in the said affidavit, respondent No.1 shall issue admit cards to the remaining petitioners.
7. Learned counsel for the respondent No.2 submits that the “marks obtained” given in the said affidavit may not be taken as a precedent as the same has been given as per the database available with them.
8. Learned counsel for the petitioners, on instructions, submits that in view of the affidavit and the submissions made by learned counsel for the respondents, he does not wish to pursue the present petition further.
9. Accordingly, the instant petition alongwith pending application stands disposed of.
10. It is made clear that the marks obtained in the said affidavit shall also



be considered for future examinations, if the petitioners fulfil other eligibility conditions.

11. Copy of the order be given *dasti* under the signatures of the Court Master.

DINESH KUMAR SHARMA, J

JANUARY 9, 2025/Dy/smg..