



\$~9

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 5912/2026 & CM APPL. 28986/2026

DR. ARCHANA SAINI

.....Petitioner

Through: Mr. Pallav Saxena, Mr. Akshat, Ms.
Supreeti Chauhan, Mr. Nipun
Sharma, Mr. Rudra Chauhan, Advs.

versus

**NATIONAL BOARD OF EXAMINATIONS IN MEDICAL
SCIENCES & ANR.**

.....Respondents

Through: Mr. Waize Ali Noor, Mr. Mrinal
Kumar Sharma, Mr. Shashi Suman &
Mr. Zillur Rahman, Advs.
Mrs Avnish Ahlawat SC GNCTD
Services, Mr Nitesh Kumar Singh, Ms
Aliza Alam, Mr Mohnish Sehrawat,
Advs.
Mr. Manish Rawat, GP, Ms. Srishti
Singh, Ms. Vatsla Shukla & Mr.
Abhishek, Advs. for R-1.
Mr Anil Panwar SPC, Mr Manish
Rawat GP, Mr Sahej Sawhney, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

11.05.2026

%

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:

“(i) Issue a Writ of Mandamus or any other Prerogative Writ or Writ of any other nature directing the respondent no.1 to permit the petitioner to appear in DNB Final Examination to be convened on 18.06.2026, 19.06.2026, 20.06.2026 and 21.06.2026;



(ii) Dehors the cut-off date stipulated by the impugned Brochure qua DNB Final Examination June, 2026;

(iii) In the alternate, issue appropriate writ and/or pass directions relaxing the requirement of cut-off date by two days, to enable the petitioner to appear in DNB Final Examination June, 2026...”

2. The facts of the case are that the petitioner joined as a medical officer in the office of Chief District Medical Officer on 09.09.2024 and after completion of probation period was made permanent. Since the petitioner was desirous of pursuing DNB in Obstetrics and Gynaecology, the petitioner applied for NEET PG on 06.10.2023. The petitioner on 18.10.2023 was offered a seat at Deen Dayal Hospital, Delhi, (“DDU”). Immediately, thereafter the petitioner on 25.10.2023 applied for a study leave to pursue post-graduate (Obstetrics and Gynaecology) on DNB seat from DDU for a period of 36 months.

3. It was only on 02.01.2024 that the petitioner was granted study leave by respondent No. 2 and a relieving order was issued. The petitioner’s 36 months period for completing her course started on 03.01.2024 and would come to an end on 02.01.2027.

4. The grievance of the petitioner is that respondent No. 1 issued an impugned brochure *qua* DNB final examination June, 2026, whereby DNB final examination post MBBS admission could be written by candidates whose cut-off date for completion of training for eligibility to appear in the examination is up to 31.12.2026.

5. Since the petitioner’s cut-off date is 02.01.2027, the petitioner would



not be permitted to participate in the final examination which is to be conducted in June, 2026.

6. Mr. Saxena, learned counsel for the petitioner states that the same is arbitrary and discriminates against the petitioner who is an in service candidate. The petitioner had no control over the grant of study leave which was exclusively within the domain of respondent No. 2 and the only thing that was required of the petitioner was to apply for same. The petitioner applied for the same on 25.10.2023 i.e. within one week of allotment.

7. Hence the present petition.

8. Learned counsel for the respondent No. 1 has opposed the present petition on the grounds that DNB Final Examination June 2026 is governed by the Information Bulletin wherein clause 4.3 provides for cut-off date for completion of DNB training by the candidates to enable them to appear in the DNB Final Examination June 2026.

9. It is further stated that the cut-off date for eligibility to appear in the DNB Final Examination is a policy decision of Respondent No. 1, fixed uniformly and non-discriminatorily keeping in view administrative feasibility, academic standards, and parity amongst candidates. The cut-off date is determined after considering the academic calendar, including counselling and joining timelines across all rounds, and is aligned with the probable completion of the prescribed training period for the entire admission batch, including candidates admitted through the final round of MCC and NBEMS-sponsored counselling.

10. It is further submitted that DNB Final Examinations are conducted biannually to ensure that candidates who are unable to fulfil the eligibility criteria for a particular session, including on account of extension of



training, are provided a timely subsequent opportunity to appear in the examination. In the present case, upon completion of the requisite training period, the petitioner shall be eligible to appear in the next DNB Final Examination scheduled to be held in November 2026.

11. Additionally, reliance is placed on *Shikhar v. National Board of Examination, (2024) 15 SCC 725*, *Ankush Rana v. Icar-Indian Council Ofagricultural Research, 2025 SCC OnLine Del 8975* to state that fixation of a cut-off date is a matter of policy within the domain of the competent authority, and judicial review in such matters is limited unless the cut-off date is shown to be arbitrary, irrational, or manifestly unreasonable.

12. I have heard the learned counsels for the parties.

13. Though the brochure issued by respondent No. 1 may operate harshly against the petitioner, and the petitioner had no control over the grant of study leave, this Court is of the view that the cut-off dates for completion of training and conduct of examination have been fixed by the regulatory authority after due application of mind and upon consideration of various relevant factors and circumstances.

14. The reliance on *Shikhar (supra)* is well placed, wherein the Hon'ble Supreme Court in paragraph No. 9 observed as under:-

“9. While we understand that the present cut-off date for the completion of the internship would put certain students at a disadvantage, we are conscious that it is the domain of the executive and regulatory authorities to formulate appropriate eligibility standards for admission. In IIT, Kharagpur v. Soutrik Sarangi, a three-Judge Bench of this Court held that courts should be circumspect in exercising



their powers of judicial review in matters concerning academic policies, including admission criteria. In that case, this Court refused to interfere with the eligibility criteria for appearing in JEE (Advanced) 2021 which prevented a candidate who had secured a seat in one of the IITs from competing in a subsequent examination. This Court relied on All India Council for Technical Education v. Surinder Kumar Dhawan⁴, where it was observed that judicial interference motivated by concerns of mitigating the hardship faced by students may result in unintended consequences adversely affecting the education system. This Court held thus: (Indian Institute of Technology case³, SCC pp. 87-88, paras 21-22)

“21. The reasoning of the High Court⁵ of Criterion 5 not permitting IIT students to participate in IIT (Advanced) for the second time being arbitrary, in the opinion of this Court is not supportable. This Court has repeatedly emphasised that in matters such as devising admissions criteria or other issues engaging academic institutions, the courts’ scrutiny in judicial review has to be careful and circumspect. Unless shown to be plainly arbitrary or discriminatory, the court would defer to the wisdom of administrators in academic institutions who might devise policies in regard to curricular admission process, career progression of their employees, matters of discipline or



*other general administrative issues concerning the institution or university*⁶. It was held by this Court in *All India Council for a Technical Education v. Surinder Kumar Dhawan*⁴: (SCC p. 732, para 16)

‘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.’

22. Given this general reluctance of courts to substitute the views of academic and expert bodies, the approach of the High Court in proceeding straightaway to characterise the rationale given by HT in fashioning Criteria 5 cannot be supported.” ”

15. Additionally, and more importantly, in the event the petitioner is



unable to appear in the examination scheduled in June 2026, the petitioner would be eligible to appear in the next examination scheduled shortly thereafter, and therefore no irreparable or serious prejudice would be caused except a delay of approximately 5 - 6 months.

16. Further, in view of the judgments of the Hon'ble Supreme Court, Courts while exercising the power of judicial review are required to exercise restraint and refrain from interfering with timelines fixed by statutory and professional regulatory bodies, which are best equipped to determine and regulate such academic schedules.

17. For the said reasons, I am not inclined to entertain the present writ petition and the same is dismissed.

JASMEET SINGH, J

MAY 11, 2026/NG