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

\# **CNR No. DLHC011106182025**

\+ LPA 520/2026, CM APPL. 44349/2026, CM APPL. 44350/2026 & CM APPL. 44351/2026

KRISHN CHAND PATEL .....Appellant

Through: Mr. Dileep Kumar Mishra, Adv.

versus

NATIONAL BOARD OF EXAMINATION IN MEDICAL SCIENCES NBEMS .....Respondent

Through: Mr. Sunil J Mathews, Ms. Jyoti Chib, Ms. Krishnapriya and Ms. Yashika, Advs.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY SHARMA

O R D E R

% 27.10.2026

1. This Letters Patent Appeal ("LPA") is filed under Clause 10 of Delhi High Court Rules questioning the order of the learned Single Judge dated 19th March, 2025.

2. It is the case of the present appellant before the learned Single Judge that he has taken education in a foreign country, Kyrgyzstan. He passed his medical examination and was due to appear in Foreign Medical Graduate Examination, 2009 ("FMG Examination").

3. The learned Single Judge pursuant to the stand of the respondent in counter affidavit for producing the result of the FMG Examination post 2009 i.e., March 2010, September 2010, March 2011, March 2012, September

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2012, September 2013, June 2015, December 2015 and June 2016 was pleased to dispose of the petition.

4. Through present LPA, the appellant has prayed for issuance of directions to the respondent to not only produce his result of 2009 and 2013 FMG Examination but also the answer sheets.

5. As regards, the production of answer sheets is concerned, there is no specific prayer mentioned in the appeal and also in the writ petition.

6. In view of the above, the counsel for the appellant responded by claiming that the same is consequential relief which can always be read down in the original prayer clause in the petition which is for declaration of result of 2009 and 2013.

7. At the outset, we are of the view that the writ petition, that was preferred by the petitioner hopelessly time-barred particularly when he was seeking the declaration of result of the examinations from 2009 till 2016, and has preferred the petition in 2022 without citing any reasonable cause.

8. Apart from above, it appears that post 2009, though he alleged that in 2009, he appeared for examination and his result was not declared, he continued to appear in FMG Examination in March 2010, September 2010, March 2011, March 2012, September 2012, September 2013, June 2015, December 2015 and June 2016.

9. The conduct of the appellant of appearing in FMG Examination post 2009 and post 2013, sufficiently establishes that he knew that he has not cleared the examination and that’s why he has appeared in subsequent FMG Examination.

10. It appears that once the appellant has appeared in the subsequent FMG Examination, he cannot claim that he must have passed in 2009 or

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2013 examination, result of which allegedly is not informed to him.

11. Such conduct of the appellant goes contrary to the record of him; he having appeared in subsequent FMG examination. If he had passed in 2009 and 2013, yet he has no opportunity to appear in the subsequent FMG Examination.

12. That not only the present appeal but also the writ petition itself was only misconceived and as such the present appeal stands dismissed. Pending applications stand disposed of.

NITIN WASUDEO SAMBRE, ACJ

SANJAY SHARMA, J

OCTOBER 27, 2026/rk/ss

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