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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7751/2017

YASH KATARIA AND ORS

..... Petitioners

Through **Mr. Shaurya Sahay, Advocates.**

Versus

NATIONAL BOARD OF EXAMINATION

..... Respondent

Through **Mr. Kirtiman Singh, Mr. Waize Ali Noor, Mr. Prateek Dhanda and Mr. Vikramaditya Singh, Advocates.**

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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08.09.2017

C.M. No.31981/2017 (interim relief)


There are 16 petitioners before this Court. They successfully completed their PG Diploma (2 year course). They had participated in the PDCET Entrance Examination. Result of the said entrance examination was declared on 04.8.2017. The result of the 16 petitioners was withheld as they had not produced original degrees/certificates which had to be produced on or before 30.6.2017. Contention of the petitioners is that their result was declared by the Rajiv Gandhi University of Health Sciences only on 11.7.2017 and as such the original certificates could not be filed by 30.6.2017 when the portal of the respondent University stood closed. This Court has been

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informed that the first round of counselling is over which was scheduled w.e.f. 16.8.2017 to 21.8.2017. The next round of counselling is now scheduled for 13.9.2017. The petitioners are pressing prayer (c) for participation in the second round of counselling.

Respondent has filed a reply/counter affidavit. The contention of respondent is that is only those candidates who had participated in the first round of counselling are alone eligible to participate in the second round of counselling and the petitioners not having participated in the first round of counselling cannot now be considered for participation in the second round of counselling. It is pointed out that these are speciality courses in the DNB and those candidates who had already qualified in the first round of counselling their rank would be disturbed if the present petitioners are allowed to participate in the second round of counselling; this would be unfair to those candidates.

This Court is not in agreement with this submission of the learned counsel for the respondent. The petitioners could not participate in the first round of counselling for no fault of theirs. The fact that they could not participate in the first round of counselling was for the reason that the original degrees/certificates had not been filed before the respondent for the reason that these original documents/result was declared only on 11.7.2017 i.e. after the deadline of 30.6.2017. It is also not the case of the respondent that there is any fault or inaction on the part of the petitioners in not producing these documents by 30.6.2017; admitted position being that



the result of the PG Diploma (2 year course) of the aforementioned petitioners had been declared by the concerned University only on 11.7.2017. Counsel for petitioner submits that copies of the certificates/degrees had also been sent to the respondent on that very date i.e. on 11.7.2017 by e-mail as these documents could not be uploaded for the reason that the portal of the respondent stood closed.

Learned counsel for respondent while opposing this prayer has placed reliance upon the judgment of the Apex Court in Priya Gupta Vs. State of Chhatisgarh (2012) 7SCC 433 (quoted at para 10 of the counter affidavit/reply of respondent) has been highlighted.

This Court is of the view that none of these guidelines laid down by the Apex Court (binding upon this Court) will be flouted in case the petitioners are permitted to participate in the counselling which is now scheduled for 13.9.2017. The judgment of a Coordinate Bench of this Court reported as MANU/DE 3280/2011 Dr. Shikha Aggarwal Vs. Union of India (UOI) and Anr. relied upon by the learned counsel for the respondent is also inapplicable as that was a case where the petitioner having been successful in the first round of counselling had sought cancellation/setting aside of second round of the counselling. This is not so in the instance case.

This Court notes that this is a healthy competition and the petitioners who had not participated in the first round of counselling (for no fault of theirs), cannot be excluded to participate in the second round of counselling. They are accordingly, permitted to do so. This would be subject to final outcome of the present writ petition.

Interim application stands disposed of.

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Court Master
High Court of Delhi
New Delhi

Order dasti under signatures of the Court Master.

W.P.(C) 7751/2017


It is pointed out that connected petitions are listed before this Court on 20.9.2017.

List this petition on 20.9.2017.

Sd/-
INDERMEET KAUR, J

SEPTEMBER 08, 2017

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Court Master
High Court of Delhi
New Delhi