

ITEM NO.10

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).1278/2021

DIVYA VENUGOPALAN

Petitioner(s)

VERSUS

THE NATIONAL BOARD OF EXAMINATIONS & ORS.

Respondent(s)

(FOR ADMISSION and IA No.151705/2021-APPROPRIATE
ORDERS/DIRECTIONS)

WITH

W.P.(C) No. 1276/2021 (X)
(FOR ADMISSION)

Date : 25-11-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Vikas Upadhyay, Adv.
Ms. Filza Moonis, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

W.P.(C) No.1278/2021

1 On behalf of the petitioner, it has been submitted that the petitioner has completed her three year mandatory residency training for DNB in Obstetrics and Gynaecology even taking into account the maternity leave she has availed. In this context, it has been submitted that:

- (i) The petitioner took a total of 308 days leave from her course during the maternity leave;

- (ii) After excluding the period of 90 days, which is available, the petitioner had a shortfall of 218 days;
- (iii) Since the petitioner would have completed 3 years 8 months and 13 days of DNB tenure by the cut-off date of 30 June 2022, even excluding the extra leave, she has clearly fulfilled the requirement of a three year duration; and
- (iv) Clause 6 of Circular dated 18 January 2021 (Annexure P-5) of the National Board of Examinations clearly stipulates that the extension of training on account of Covid-19 duties by a period of three months was under special circumstances and would not interfere with the eligibility of the candidates to appear in their respective exit examinations as the cut-off dates for the purpose of eligibility would also stand modified accordingly.

2 Issue notice.

3 Dasti, in addition, is permitted.

4 Liberty to serve the third and fourth respondents through the Central Agency, in addition.

5 In the meantime, we direct that the application of the petitioner for the ensuing theory examination to be held in December 2021 shall be accepted by the National Board of Examinations without this creating any right or equity in favour of the petitioner.

6 List the petition on 2 December 2021 on the top of the Board.

W.P. (C) No. 1276/2021

- 1 On behalf of the petitioner, it has been submitted that the petitioner has completed her three year mandatory residency training for DNB in Obstetrics and Gynaecology even taking into account the maternity leave she has availed. In this context, it has been submitted that:
 - (i) The petitioner took a total of 226 days leave from her course during the maternity leave;
 - (ii) After excluding the period of 90 days, which is available, the petitioner had a shortfall of 136 days;
 - (iii) Since the petitioner would have completed 3 years 8 months and 8 days of DNB tenure by the cut-off date of 30 June 2022, even excluding the extra leave, she has clearly fulfilled the requirement of a three year duration; and
 - (iv) Clause 6 of Circular dated 18 January 2021 (Annexure P-5) of the National Board of Examinations clearly stipulates that the extension of training on account of Covid-19 duties by a period of three months was under special circumstances and would not interfere with the eligibility of the candidates to appear in their respective exit examinations as the cut-off dates for the purpose of eligibility would also stand modified accordingly.
- 2 Issue notice.
- 3 Dasti, in addition, is permitted.
- 4 Liberty to serve the third and fourth respondents through the Central Agency, in addition.

- 5 In the meantime, we direct that the application of the petitioner for the ensuing theory examination to be held in December 2021 shall be accepted by the National Board of Examinations without this creating any right or equity in favour of the petitioner.

- 6 List the petition on 2 December 2021 on the top of the Board.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER