

Delhi High Court - Orders

Dr Payal Katre & Ors vs Union Of India & Ors on 13 April, 2021

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SINGH NAYAL
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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 4628/2021 & CM APPL. 14219/2021
DR PAYAL KATRE & ORS. Petitioners
Through: Ms. Mithu Jain and Mr. Apoorve
Karol, Advocates.
versus

UNION OF INDIA & ORS. Respondents
Through: Mr. T.P. Singh, Sr. Panel Counsel for
UOI.
Mr. Kirtiman Singh, CGSC for UOI.
Mr. T. Singhdev, Advocate for R-2.

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER

% 13.04.2021

1. This hearing has been done through Video Conferencing.
2. The Petitioners in the present case are 53 doctors who are all diploma holders from the College of Physicians and Surgeons Mumbai.
3. The prayer in the petition is to allow the Petitioners to take the Common Entrance Test to be held for DNB-PDCET (Post Diploma CET), 2021. The Petitioners have also challenged the validity of Clause 4.8 of the Information Bulletin, dated 25.03.2021 issued by the Respondent No. 3/National Board of Examinations by which candidates with diplomas from CPS have been disqualified from applying for taking the said examination.
4. This Court has considered a similar matter being W.P.(C) 4252/2021 titled Dr. Umang Litoriya & Ors v. Union of India in which, on 9th April, 2021, the following directions were issued:

Signature Not Verified Digitally Signed By:DINESH SINGH NAYAL Signing Date:15.04.2021 21:19:37 "11. After hearing ld. counsels for the parties and perusing the record, especially the affidavit of the NBE, it is clear that until 25th March, 2021, when the Information Bulletin was published, diploma holders from CPS Mumbai appeared in the DNB-PDCET examination conducted in the previous years. There

appears to be some doubt raised on behalf of the NBE as to whether the diploma qualifications awarded by CPS Mumbai are equivalent or not with their counterpart PG Medical Diploma qualifications of NMC/MCI. According to Mr. Kirtiman Singh, Id. counsel, several letters have been written by the NBE to the MoHFW, as also to the National Medical Commission. However, for whatever reasons, no stand has been taken as to the equivalence of the diplomas awarded by CPS Mumbai.

12. The urgency in the present petition, at this stage, is that the DNB-PDCET, 2021 examination is to be conducted on 9th May, 2021 and the last date for submission of applications is 14th April, 2021. The eligibility criteria, as stated in the Information Bulletin, reads as under:

"4.1. Candidates who have passed the final examination leading to the award of Post Graduate Diploma from Indian Universities which are duly recognized as per provisions of the NMC Act 2019 and the repealed Indian Medical Council Act 1956, Govt of India can apply for the DNB-PDCET 2021 in the same Broad specialty.

...

4.8. Candidates possessing Diploma qualifications awarded by the College of Physicians and Surgeons (CPS), Mumbai are not eligible to apply for DNB- PDCET till such time equivalence of CPS diploma qualifications with their counterpart PG Medical Signature Not Verified Digitally Signed By:DINESH SINGH NAYAL Signing Date:15.04.2021 21:19:37 Diploma qualifications of NMC/MCI (as per PGMER, 2000) is confirmed by the Govt of India i.e. CPS diploma qualifications are equivalent to corresponding PG Diploma qualifications of NMC/MCI."

13. There is no doubt that previously, Clause 4.8 was never part of the Information Bulletin and only Clause 4.1 prescribed the eligibility criteria. In the past, candidates who are equally placed as the Petitioners, were being permitted to appear in the DNB-PDCET examination. A sudden embargo has been imposed on the Petitioners and if they are not permitted to file their applications, they would be losing out on an entire academic year, which would cause irreparable prejudice to the Petitioners. Going by the past conduct, where candidates who had obtained diploma qualifications from CPS Mumbai have been permitted to appear in the examination, and considering that the Petitioners have all obtained their diplomas prior to the publication of the Information Bulletin, this Court is of the opinion that, at this stage, the Petitioners ought to be permitted to submit their applications on or before the deadline set out in the Information Bulletin i.e., 14th April, 2021. If the Petitioners have already submitted their applications, the same shall be accepted by the NBE and processed in time, along with the other applications. Admit cards shall also be issued. The same shall be subject to further orders in this petition.

14. In the meantime, the MoHFW shall file an affidavit placing on record its stand in respect of the equivalence of the Petitioners' courses on or before 3rd May, 2021. The National Medical Commission and CPS Mumbai are also permitted to file their affidavits on or before 3rd May, 2021."

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5. The above order shall enure to the benefit of the Petitioners in the present case as well. Accordingly, the Petitioners are permitted to file their applications, if not already filed within the deadline i.e., 14th April 2021.

They shall also be issued admit cards. The same shall be subject to further orders of this Court.

6. List on 4th May, 2021, along with W.P.(C) 4252/2021.

PRATHIBA M. SINGH, J APRIL 13, 2021 dj/ak