
(2026) 02 DEL CK 1828

In the Delhi High Court

Case No : Letter Patent Appeal No. 94 Of 2026 & Civil Miscellaneous Application
Nos. 12911-12 Of 2026

All India Institute Of Medical Sciences

APPELLANT

Vs

Meet Bhadresh Shah & Ors

RESPONDENT

Date of Decision : 28-02-2026

Acts Referred:

National Medical Commission Act, 2019i Section 25(1), 35, 57(2)

Citation : (2026) 02 DEL CK 1828

Hon'ble Judges : Devendra Kumar Upadhyaya, CJ;Tejas Karia, J

Bench : Division Bench

Advocate : Anand Varma, Ayush Gupta, Anushree Kapadia, Pranay Bhardwaj, Shivank Singh, Pragay Jaishwal, Farman Ali, Usha Jamnal, T. Singhdev, Abhijit Chakravarty, Yamini Singh, Tanishq Srivastava, Vedant Sood, Bhanu Gulati, Ramanpreet Kaur, Charu Mathur, Kapil Midha, Vartika Gautam

Final Decision : Disposed Of

Judgement

Devendra Kumar Upadhyaya, CJ

1. By instituting the proceedings of this intra-court appeal under Clause X of the Letter Patent, the appellant seeks exception to the judgment and order dated 02.02.2026 passed by learned Single Judge in W.P.(C) 78/2026, whereby the writ petition has been allowed and the order under challenge therein, dated 02.01.2026 cancelling the candidature of the respondent no.1 for admission to a Super-Speciality Medical Course, namely D.M. in Critical Care Medicines (CCM) at All India Institute of Medical Sciences (hereinafter referred to as the "AIIMS") has been quashed.

BACKGROUND FACTS

2. The facts of the case which are not in dispute are as under:-

2.1. For admission to Super-Speciality Courses, namely D.M./M.Ch. at Institutes of National Importance for medical education, a common entrance test known as

the Institute of National Importance Super-Speciality Entrance Test (hereinafter referred to as the "entrance test") was conducted by the AIIMS on 22.11.2025.

2.2. The last date for admission in the course is 28.02.2026, and the last date of fulfilment of eligibility for admission was 31.01.2026. As per Clause 4.3.2 of the Prospectus issued by the AIIMS, the eligibility for admission was that the candidate must have completed the requisite qualification, degree and tenure by 31.01.2026. The said clause further prescribed that the candidates who were likely to complete their three years ($365 \times 3 = 1095$ days) tenure, qualification and degree after 31.01.2026 would not be eligible to appear in the examination. Clause 4.3.2 of the Prospectus is extracted hereunder: -

"4.3.2. The candidates must have completed the requisite qualification, degree and tenure by 31.01.2026. The candidates who are likely to complete their "3 years (365×3) = 1095 Days" tenure, qualification or degree after 31.01.2026 will not be eligible to appear in this examination."

2.3. The respondent no.1, desirous of seeking admission to a Super-Speciality course based on the said entrance examination, applied for the same and on the basis of his performance in the entrance examination, secured an All India Rank 4. Accordingly, he was allotted a seat in D.M. (CCM) programme at AIIMS.

2.4. When the respondent no.1 reported for joining at AIIMS on 01.01.2026, he was informed that he did not fulfil the eligibility as prescribed in Clause 4.3.2 of the Prospectus and accordingly, by means of an order dated 02.01.2026 his candidature was cancelled and in addition, the security money of Rs.3,00,000/- was forfeited for reporting and holding the seat in question for non-fulfilment of eligibility criteria under Clause 4.3.2 of the Prospectus.

2.5. The respondent no.1 represented his cause against the order of cancellation of his candidature, dated 02.01.2026 and ultimately instituted W.P.(C) 78/2026, which has been allowed by learned Single Judge by means of the judgment and order dated 02.02.2026, which is under challenge herein.

2.6. The respondent no.1 completed his MBBS course at GCS Medical College, Ahmedabad in the year 2021 and appeared, thereafter, in NEET PG on 11.09.2021, which was rescheduled twice on account of the situation which prevailed because of pandemic – COVID-19. The National Medical Commission – respondent no.3 issued a circular on 11.01.2022, whereby it was provided that due to pandemic the Post-Graduate courses would commence from 01.02.2022.

2.7. On the basis of NEET PG held on 11.09.2021, the respondent no.1 participated in the first round of counselling on 29.01.2022 and was allotted a seat in MD (Anaesthesiology) course at Pramukhswami Medical College, Karamsad. He accordingly joined the said medical college on 01.02.2022 and resigned from there on 15.02.2022. During his stay at Pramukhswami Medical College, he underwent 15 days of post-graduate residency training.

2.8. The respondent no.1 thereafter participated in the second round of

counselling held on 02.03.2022 and was accordingly allotted a seat in AMC MET Medical College, Ahmedabad, where he took admission on 08.03.2022; however, he resigned from this seat as well on 30.04.2022 after undergoing 54 days of post-graduate residency training.

2.9. The respondent no.1 participated in the third round of counselling, which was held on 29.04.2022 and was allotted GCS Medical College, Ahmedabad, where he joined on 02.05.2022 and left on 21.02.2025, completing his PG course and was accordingly awarded his MD degree. During his study while undergoing the PG course, he completed 1026 days of post-graduate residency training.

2.10. Thus, the respondent no.1 completed $1026+54+15 = 1095$ days of post-graduate residency training while undergoing the PG course at three different institutes, which were allotted to him on the basis of the counselling conducted in the first, second and third rounds.

2.11. The reason being indicated by the appellant for cancelling the candidature of the respondent no.1 is that while completing his PG course at GCS Medical College, Ahmedabad, where he joined on 02.05.2022 and completed his course on 21.02.2025, he had undergone the training only for a period of 1026 days, which falls short of 1095 days of the requisite training in terms of the provisions contained in Clause 4.3.2 of the Prospectus and accordingly, he is ineligible for admission to the course in question.

SUBMISSION ON BEHALF OF THE APPELLANT

3. It has been argued by Shri. Anand Varma, learned counsel representing the appellant, that learned Single Judge while passing the impugned judgment and order has deviated from the provisions contained in Clause 4.3.2 of the Prospectus, according to which a candidate to be eligible for admission to Super-Speciality course in an Institute of National Importance, ought to have undergone three years of tenure, qualification and degree, which is equal to 1095 days, on or before 31.01.2026 and since in the instant case, the respondent no.1 while completing his PG course from GCS Medical College, Ahmedabad had undergone the said training only for a period of 1026 days, he is ineligible. The submission, thus, is that it is legally impermissible to take into account the period of training which was undergone by the respondent no.1 at Pramukhswami Medical College, Karamsad for 15 days and thereafter at AMC MET Medical College, Ahmedabad for 54 days for the purposes of reckoning the requisite days of training for the reason that it is only the period of training underwent by a candidate in a PG course which leads to award of degree, that is relevant.

4. He has further argued that since after taking admission, firstly at Pramukhswami Medical College, Karamsad and thereafter at AMC MET Medical College, Ahmedabad, the respondent no.1 did not complete his course in either of these two institutions and therefore, any experience gained by him in these two institutions cannot be permitted to be taken into account for the purposes of

considering his eligibility, otherwise the same would lead to dilution of the requisite qualification as per the relevant clause of the Prospectus.

5. He has further argued that any interpretation of any terms or conditions as given in the Prospectus including that of Clause 4.3.2 has to be left to the AIIMS for the reason that such prescription has been set out by the experts of the appellant – institute and therefore, any interpretation of the said clause other than the manner in which it is being interpreted by the appellant – institute, would be unwarranted.

6. It is the submission on behalf of the appellant – institute further that such matters relate to academic policy and therefore ought to be left to the experts. He has also contended that non-acceptance of the interpretation of such a clause in terms of how the same is interpreted by the body of experts would be impermissible, as this is an arena which should be left to the experts. In this regard, it has also been argued that the Courts, while exercising the power of judicial review, should not assume the role of experts and give their own interpretation to a provision which relates to academic policy.

7. Drawing our attention to Clause 2.1 of the Post-Graduate Medical Education Regulations, 2023 (hereinafter referred to as "PGMER – 2023"), which are statutory in nature having been framed by the National Medical Commission – respondent no.3 in exercise of its powers conferred on it under Section 25(1), 57(2) and 35 of the National Medical Commission Act, 2019, it has been argued that the provisions relating to qualification, duration of course and component of Post-Graduate training as available in the PMER – 2023 are ad idem with the provision contained in Clause 4.3.2 of the Prospectus issued by the AIIMS. Clause 2.1 of the PMER – 2023 is extracted herein below: -

"2.1 List of qualifications, duration of the course and components of Post-graduate Training shall be as indicated below:

S.No.

Name of Qualification

Duration of Course (including period of examination)

i.

Post-graduate broad-speciality Qualifications (Annexure-1)

3 Years/2 years*

ii.

Post-graduate super-speciality Courses (Annexure-2)

3 Years

iii.

Post-graduate diploma Courses (Annexure-3) @

2 Years

iv.

Post-Doctoral Certificate Courses (PDCC) (Annexure-4)

1 Year

v.

Post-Doctoral Fellowship (PDF) Courses (Annexure-5)

2 years

vi.

D.M./M.Ch. (6 years Course) (Annexure-6)

6 years

* The period of training, including the period of examination, shall be two years for the students, who possess a recognized two-year post-graduate diploma course in the same subject.

@ Medical colleges/institutions may apply to Medical Assessment and Rating Board (MARB) for converting diploma seats to degree seats. No more new applications will be entertained for permission to start or increase in number of diploma seats."

8. Learned counsel representing the appellant – institute has referred to a judgment of this Court in Dr. Deepak Suresh Kumar v. All India Institute of Medical Sciences & Ors., 2024 SCC Online Del 8946, to argue that it will be outside the sphere or scope of powers of judicial review of this Court to interfere in the understanding of the appellant – institute regarding interpretation of the tenure of training which occurs in Clause 4.3.2 of the Prospectus and therefore, in his submission Shri. Varma has argued that the very premise on which the learned Single Judge has based his judgment and order, which is under challenge herein, is erroneous for the reason that the interpretation being offered by the appellant – institute ought to have been accepted by the learned Single Judge rather than rendering his own interpretation to the said clause.

9. Learned counsel representing the appellant has also relied upon the judgments in (i) NIMS University v. Union of India, (2023) 16 SCC 316, (ii) Rajat Duhan v. All India Institute of Medical Sciences, 2019 SCC OnLine Del 11437, (iii) IIT, Kharagpur v. Soutrik Sarangi, (2021) 17 SCC 79 and (iv) Sanchit Bansal v. Joint Admission Board, (2012) 1 SCC 157, to contend that the process of evaluation or selection of candidates for admission, the process of achieving the objective of selected candidates who will be better equipped to suit the specialised courses are all technical matters in academic field and therefore, the

Court ought not interfere in such processes. His further submission is that the Court would interfere only if any violation of any enactment, statutory rule or regulation is found or the challenge is based on bias or mala fide or ulterior motive or where the procedure adopted is arbitrary and capricious. The submission is that AIIMS is an institution of excellence and maintains a high academic standard and therefore, it would be justified in laying down stringent condition for admission.

10. On the aforesaid counts, learned counsel for the appellant has urged that the instant appeal be allowed and the judgment and order under challenge passed by the learned Single Judge be set aside.

SUBMISSION ON BEHALF OF RESPONDENT No.1

11. Defending the impugned judgment and order passed by learned Single Judge, learned counsel representing the respondent no.1 Ms. Anushree Kapadia has argued that the respondent no.1 has completed the requisite Post-Graduate residency experience from three different institutions and there is no rule or regulation or any provision contained either in the Prospectus issued by the AIIMS or in the PGMER – 2023 framed by the National Medical Commission – respondent no.3; neither is there any other circular which states that the requisite experience has to be from a single institute. Her submission, therefore, is that the contention of the appellant that the requisite experience has to be obtained from a single institute is erroneous. In this view, the submission is that the learned Single Judge has taken a correct view of the matter.

12. It has further been argued that the change of institutes by the respondent no.1 was not voluntarily done by him, rather it occurred on account of an unprecedented overlap of counselling because of COVID-19 and an interim order passed by the Hon'ble Supreme Court and therefore, such a change is not attributable to the respondent no.1 for which he cannot be penalised.

13. It is also the submission on behalf of the respondent no.1 that ever since the respondent no.1 made his application pursuant to the issuance of the Prospectus, at no stage he was declared ineligible until the process culminated in offering him the seat at AIIMS in D.M. (CCM) programme and therefore, the appellant – institute is estopped from raising the issue of ineligibility.

14. Ms. Kapadia has also pleaded and argued that by operation of the doctrine of legitimate expectation, since the respondent no.1 was not declared ineligible at any stage of the selection process, holding him ineligible at a time when he was already offered admission, is unlawful and unwarranted.

15. Learned counsel for the respondent No.1 has also submitted that after completing his post-graduate course i.e. MD in Anaesthesiology from GCS Medical College, Ahmedabad, he held the position of senior resident in the department of Anaesthesiology of the said medical college from 11.03.2025 till 14.06.2025, thereby he gained experience of 96 days and even if the experience

obtained by the respondent No.1 in Pramukhswami Medical College, Karamsad and AMC MET Medical College, Ahmedabad is not taken into account for the purposes of reckoning his eligibility for appearing in the entrance test for admission to Super-Speciality course, the 96 days' experience gained by him while working as senior resident can be taken into account and, therefore, the respondent No.1 would be held to have experience of $1026+96=1122$ days which exceeds the requisite experience as per Clause 4.3.2 of the prospectus. In this view, the submission is that the respondent No. 1 fulfilled the eligibility criteria and, therefore, cancellation of his candidature is illegal.

16. Drawing our attention to the application form submitted by respondent No. 1 for appearing in the entrance examination for admission to Super-Speciality course in January, 2026 session, it has been stated by learned counsel for the respondent that disclosure of the said experience gained by the respondent No.1 as senior resident after completion of his MD degree was clearly made in the application form and, therefore, ignoring the said experience, cancellation of candidature of the respondent No.1 cannot be justified.

17. The submission further, in this regard, on behalf of the respondent No.1 is that in Dr. Deepak Suresh Kumar (supra), in respect of the petitioner of W.P.(C) No. 9642/2024 (Dr. Jay Mehta), it was brought to the notice of the Court that subsequently AIIMS had written a letter to the PGIMER, Chandigarh from where Dr. Jay Mehta had completed his MD course to call Dr. Jay Mehta back to complete the deficiency in training period.

18. It has been submitted that having regard to these facts, this Court in Dr. Deepak Suresh Kumar (supra), granted liberty to PGIMER, Chandigarh to call Dr. Jay Mehta back to complete the training for the deficient period so that he could not face any other controversy in future due to non-completion of training period. It is, thus, submitted that denying the benefit of 96 days' experience gained by respondent no. 1 while he worked as a senior resident, is untenable.

19. On behalf of the respondent no.1, reliance has been placed on Dr. Deepak Suresh Kumar (supra), and it has been argued that in almost similar facts and circumstances, this Court had not approved the ineligibility of the candidates in the said case and allowed continuance of their studies in the Super-Speciality course at AIIMS. Therefore, in her submission, Ms. Kapadia submits that a similar approach ought to be adopted in this matter as well and accordingly, the judgment and order under challenge herein passed by the learned Single Judge cannot be faulted with so as to call for any interference by this Court in the instant intra-court appeal.

SUBMISSION ON BEHALF OF RESPONDENT No.3 – NATIONAL MEDICAL COMMISSION

20. Mr. T. Singhdev, learned counsel representing the respondent No.3 has supported the arguments made on behalf of the appellant. He has submitted that so far as Clause 2.1 of PGIMER – 2023 is concerned, it provides the duration of

post-graduate course to be 03 years and that would mean 1095 days. His submission is that the provision of Clause 4.3.2 of the prospectus issued by the AIIMS is akin to Clause 2.1 of PGMER – 2023 and further that any deviation from the said provision cannot be permitted legally for the reason that the eligibility criteria has been fixed by the experts of the field and, therefore, the Courts, while examining the issues related to academic policy should be circumspect. In substance, as already observed above, he has supported the submissions made on behalf of the appellant.

DISCUSSION AND ANALYSIS

21. From the facts as can be gathered from the pleadings available on record and the respective submissions made by learned counsel for the parties, what we find is that it is a case where a student of proven merit, even having scored an All-India Rank 4 in the entrance examination conducted for admission to Super-Speciality medical courses in institutes of national importance, is being denied admission.

22. So far as the submission made on behalf of the learned counsel for the appellant that any eligibility criteria for the purposes of making admission to Super-Speciality course in the field of medical education has to be left with the experts and while exercising powers of judicial review, this Court has to be circumspect in interfering in such criteria, we may observe that it is settled position of law that the process of evaluation or selection of candidates for admission and the process of achieving the objective of selected candidates who will be better equipped to suit the specialised courses are all technical matters in academic field and therefore, the Court ought not interfere in such processes. Reference in this regard be placed on the law laid down by the Hon'ble Supreme Court and this Court in NIMS University (supra), Rajat Duhan (supra), IIT, Kharagpur (supra) and Sanchit Bansal (supra).

23. Accordingly, the interpretation sought to be given by the appellant to Clause 4.3.2 of the prospectus that experience in residency, to be counted for the purposes of determining the eligibility for admission to Super-Speciality course, shall necessarily be from one institute is to be accepted. In our opinion, the reason as to why experience gained only in one institute has to be taken into consideration for the purposes of reckoning the eligibility in terms of Clause 4.3.2 of the prospectus is that any experience gained in other two institutes, in the instant case, are not relevant, neither were they taken into consideration for the purposes of award of MD degree to the respondent No.1.

24. We are also of the opinion that it is the experience which leads to the award of the MD degree that is relevant even for the purposes of determining the eligibility for seeking admission to the Super-Speciality course. In the instant case, the experience gained by the respondent No.1 in the earlier two institutes did not have any relevance so far as the award of MD degree is concerned for the reason that he was awarded the MD degree only on the basis of the experience

gained while pursuing his MD degree in the third institute, namely GCS Medical College, Ahmedabad.

25. We may also note that since determination of the eligibility criteria for admission to Super-Speciality course is related to academic policy and, therefore, such issues should be left to the experts. In this respect, we are also of the opinion that any interpretation sought to be given to Clause 4.3.2 of the prospectus other than the interpretation which, as per AIIMS, is the correct interpretation will not be permissible. Accordingly, we have no hesitation in holding that for fulfilling the eligibility criteria as per Clause 4.3.2 of the prospectus, the experience acquired or gained by the candidate in the institute from where he has been awarded the degree, alone can be taken into account and the experience gained in any other institute is not relevant.

26. Thus, we are of the considered opinion that experience gained by the respondent No.1 in Pramukhswami Medical College, Karamsad and AMC MET Medical College, Ahmedabad, is not relevant for the purposes of determining his eligibility for taking admission to Super-Speciality course in an institute of national importance as per the prescription available in Clause 4.3.2 of the prospectus. To this extent, we are in complete agreement with the submission made on behalf of the appellant.

27. Having observed as above, we now need to consider as to whether on the basis of the disclosure of experience made by the respondent No.1 in his application form for seeking admission to the Super-Speciality course, he was eligible in terms of Clause 4.3.2 of the prospectus.

28. In this respect, we may refer to certain facts of Dr. Deepak Suresh Kumar (supra) decided by this Court. The said matter was decided by this Court by means of the judgment and order dated 16.12.2024 passed in two writ petitions, namely W.P.(C) 8943/2024 and W.P.(C) 9642/2024. In W.P.(C) 8943/2024, there were two petitioners, whereas in W.P.(C) 9642/2024, there was only one petitioner, namely Dr. Jay Mehta.

29. The petitioners in W.P.(C) 8943/2024 had appeared in the entrance examination held by AIIMS in the year 2024, whereas the petitioner of W.P.(C) 9642/2024 had appeared in the entrance examination held in the year 2025. The petitioners of W.P.(C) 8943/2024 were held to be ineligible for the reason that the leave available to them while they were pursuing their MD Course at PGIMER, Chandigarh, was adjusted in the experience gained by them, and therefore, the AIIMS did not find them eligible. In respect of these petitioners of W.P.(C) 8943/2024 initially an interim order was passed by the Court reserving two seats for them and, thereafter, by means of another interim order they were granted provisional admission and it is in the background of these facts that the Court held the petitioners of W.P.(C) 8943/2024 to be eligible and, accordingly, granted them relief holding that these petitioners could not be said to be at fault rather, there appeared to be some dispute on account of lack of coordination between

PGIMER, Chandigarh, AIIMS and National Medical Commission as well as due to inaction and lack of clarity by the institutes.

30. Noticing in Dr. Deepak Suresh Kumar (supra), this Court held that on the date when the petitioners of W.P.(C) 8943/2024 were ordered to be given provisional admission, they had completed the tenure of three complete years of the period of the training and, therefore, the Court found them eligible.

31. So far as the petitioner in W.P.(C) 9642/2024 (Dr. Jay Mehta) is concerned, the Court in Dr. Deepak Suresh Kumar (supra), found that he did not complete the requisite three years training, however, the Court also noticed that the AIIMS itself had written a letter to PGIMER, Chandigarh, from where he had obtained the MD degree, to call him back to complete the deficiency in the training period. Considering the said letter of the AIIMS, the Court granted liberty to PGIMER, Chandigarh, to call Dr. Jay Mehta back to complete the deficiency in the training period so that he would not face any other controversy in future due to non-completion of the training period.

32. It is relevant to note at this juncture itself that the letter in respect of Dr. Jay Mehta written by AIIMS to PGIMER, Chandigarh was for arranging training for the deficient period post award of post-graduate degree and, therefore, it is now not open to AIIMS to take a stand that the experience gained by the respondent No.1 of 96 days while working as senior resident in the department of Anaesthesiology in the institute from where he obtained his MD degree which is a post MD experience, cannot be counted for the purposes of determining the eligibility of respondent No.1. Once the AIIMS itself had agreed in case of Dr. Jay Mehta, the petitioner of W.P.(C) 9642/2024, that he will be held to be eligible provided he completes the training for the deficient period, post award of MD degree, we do not see any tenable reason why the experience gained by the respondent No.1 post award of MD degree cannot be taken into account for the purposes of reckoning the eligibility period in terms of Clause 4.3.2 of the prospectus. It may also be noticed that Clause 4.3.2 of the prospectus, in the instant case, is in pari materia with the similar clause which was discussed in Dr. Deepak Suresh Kumar (supra). The said clause available as Clause 4.3.2 in the prospectus issued by AIIMS for entrance examination (January, 2025 session) finds mentioned in paragraph 45 of Dr. Deepak Suresh Kumar (supra), which is extracted as under:

"45.

"4.3.2. The candidates must have completed the requisite qualification, degree and tenure by 31-7-2024. The candidates who are likely to complete their 3 years requisite qualification, degree and tenure after 31-7-2024 will not be eligible to appear in this examination.""

33. If we compare clause 4.3.2 of the prospectus issued by AIIMS for entrance examination for admission to January, 2025 session with Clause 4.3.2 of the prospectus issued for making admission to January, 2026 session, we find that

both are identical except that three years' period occurring in the said Clause has now been made more explicit by mentioning that three years will be $365 \times 3 = 1095$ days. There is no difference, at all, between these two Clauses.

34. We may also notice that a specific reference of 1095 days in Clause 4.3.2 of the prospectus for admission to January, 2026 session was inserted in addition to three years' experience on certain observations made by this Court in Dr. Deepak Suresh Kumar (supra) to the effect that the said Clause which existed in the prospectus issued for admission to January, 2025 session was not specific.

35. Accordingly, we reiterate that once AIIMS in the case of Dr. Jay Mehta had agreed to take into account the experience gained by a candidate post award of MD degree, it, on any count, cannot be appreciated why the experience gained by respondent no.1 of 96 days post award of MD degree cannot be counted for the purposes of determining his eligibility to seek admission to Super-Specialty course.

36. It is also of some relevance to note that it is not a case where the respondent no. 1 had suppressed any information; rather, he made complete disclosure while filling up his form for appearing in the entrance test for admission to Super-Speciality course.

37. We may also note that neither at the time of scrutiny of application forms nor at the time of declaration of ineligible candidates, did the AIIMS ever declare respondent no.1 to be ineligible. It is only at the end of the process i.e. when the respondent No.1 was offered a seat in D.M. (CCM) at AIIMS and he went to report for his joining on 01.01.2026 that he was first told verbally that he is ineligible and, thereafter, on the next date i.e. 02.01.2026, he was handed over the order cancelling his candidature.

38. Such discrepancies had occurred in earlier examinations as well, which have been noticed by this Court in Dr. Deepak Suresh Kumar (supra) and this Court has disapproved the same.

39. In view of the aforesaid discussion, we conclude that the respondent No.1 was eligible for admission to Super-Speciality course for the reason that he had completed 1026 days while pursuing his MD Course and, thereafter, he gained senior residency experience of 96 days post MD Degree. The total senior residency experience would, thus, be $1026 + 96 = 1122$ days, which is more than 1095 days' experience as per the prescription in Clause 4.3.2 of the prospectus.

40. Thus, in the peculiar facts and circumstances of the present case, we do not find any good ground to interfere with the operative part of the impugned judgment and order passed by the learned Single Judge. Resultantly, we direct that the experience gained by the respondent No.1 of 96 days post award of MD degree shall be counted for the purpose of determining his eligibility to seek admission to Super-Specialty course in view of the stand taken by the Appellant in Dr. Deepak Suresh Kumar (supra) wherein in the similar facts, the experience

gained post award of MD degree was considered for grant of admission for Super-Specialty course.

41. Accordingly, the appeal is hereby disposed of with the aforesaid directions. The pending applications also stand disposed of.

42. Since today is the last date of seeking admission, we direct that this order shall be communicated to the concerned authorities of AIIMS by learned counsel for the appellant forthwith so that respondent No.1 may complete the requisite formalities of joining the D.M. (CCM) programme at AIIMS.

43. There shall be no order as to costs.