

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(C)NO.1394 OF 2020

SHASHANK SHEKHAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

WRIT PETITION(C)NO.163 OF 2021

O R D E R

Aggrieved by the decision of the All India Institute of Medical Sciences, Gorakhpur to not permit the Petitioners from taking the 1st year Professional MBBS examination and the Supplementary Examination, they have filed these Writ Petitions. The reason for not permitting the Petitioners to take the 1st year professional MBBS Examination and the Supplementary Examination is shortage of attendance.

The Petitioners contend that due to the onset of the COVID-19 pandemic the management took a decision that the students should leave the campus in March, 2020. It is contended on behalf of the Petitioners that some of them come from remote areas and could not attend online classes which led to shortage of attendance. After the college re-opened, special

classes were conducted for those who did not have minimum attendance which were attended by the Petitioners. The Petitioners also submitted that All India Institute of Medical Sciences at Bhubaneswar, Raipur, and Patna permitted all students to appear in the 1st year MBBS Professional Examination without insisting on attendance in view of COVID-19. The Petitioners submit that they should also be given the same benefit and be permitted to take the examination.

The learned counsel appearing for AIIMS, Gorakhpur submitted that in spite of extra classes being conducted, the students do not fulfil the minimum eligibility in so far as attendance is concerned. He stated that there are no examinations that are scheduled at present as even the Supplementary Examination for 1st Professional MBBS has already been conducted. He stated that students have to forgo an academic year and take the examination along with their juniors as and when the examinations are conducted.

We are of the opinion that it is not necessary to go into the contentions that are raised by the Petitioners and the management of AIIMS, Kharagpur for the order that we propose to pass. Taking note of the tribulations of the students due to the pandemic, we are of the opinion that the Petitioner in Writ Petition (C) No.1394 of 2020, Petitioners No.1, 3 to 10 in Writ Petition (C) No.163 of 2021 and Mr. Rohit Swarup, who

is similarly situated to the Petitioners, shall be permitted to take the examination for 1st year professional MBBS which shall be held by the management separately without insisting on minimum attendance for appearing in the examination. In case the Petitioners pass the examination, they shall be promoted to the next year. Needless to say, that this order is passed in the peculiar facts and circumstances of this case and the prevailing pandemic and it shall not be treated as a precedent.

The Writ Petitions are, accordingly, allowed. Pending application(s), if any, shall stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(S. RAVINDRA BHAT)

NEW DELHI;
16th February, 2021

ITEM NOS.16 + 17 Court 8 (Video Conferencing)

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

ITEM NOS.16:

Writ Petition(s)(Civil) No(s).1394/2020

SHASHANK SHEKHAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.127146/2020-EX-PARTE AD-INTERIM RELIEF and IA No.127148/2020-EXEMPTION FROM FILING O.T. and IA No.127147/2020-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

WITH

ITEM NOS.17:Writ Petition(s)(Civil) No(s).163/2021:

EX-PARTE AD-INTERIM RELIEF and IA No.17293/2021-EXEMPTION FROM FILING O.T. and IA No.17291/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 16-02-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For the parties

Mr. Tushar Mehta, SGI
Ms. Aishwarya Bhati, ASG
Mr. Kanu Agrawal, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. B.V. Balramdas, AOR

Mr. Mathews Nedumpara, Adv.
Ms. Nikita Panhalkar, Adv.
Ms. Maria Nedumpara, Adv.
Ms. Manju Jetley, AOR

Mr. Rajat Kapoor, Adv.
Mr. Arvind S. Avhad, AOR

Mr. Udayaditya Banerjee, AOR
Mr. Anil Pandey, Adv.
Ms. Nitika Pandey, Adv.

Ms. Disha Sachdeva, Adv.
Mr. P. Arora, Adv.

Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv
Mr. Prateek Bhatia, Adv

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

The writ petitions are allowed in terms of
the signed order. Pending application(s), if any, shall
stand disposed of.

(B.Parvathi)
Court Master

(Pradeep Kumar)
Court Master

(Signed order is placed on the file)