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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12653/2022

LAXMI

..... Petitioner

Through: Mr. Gaurav Kumar Bansal, Advocate.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Sarika Singh, Senior Panel Counsel with Ms. Avshreya Pratap Singh, GP for R-1.

Mr. T. Singhdev, Ms. Ramanpreet Kaur, Mr. Abhijit Chakravarty, Ms. Michelle B. Das and Ms. Bhanu Gulati, Advocates for R-3/ NMC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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14.09.2022

CM APPL. 38418/2022 (w/Sec. 151 of the Code of Civil Procedure, 1908 [hereinafter "CPC"] on behalf of Petitioner seeking direction to Respondent No. 6) and

CM APPL. 38419/2022 (w/Sec. 151 of CPC seeking direction to Respondent No. 3 and 4 to allow Petitioner to participate in post graduate online counselling)

1. Pursuant to directions issued on 01st September, 2022, All India Institute of Medical Sciences, Delhi has submitted its report, to the following effect: -

“Subject: Report of the medical board constituted at AIIMS for medical examination of petitioner Ms. Laxmi in compliance of order dated 01.09.2022 of Hon'ble Mr. Justice Sanjeev Narula, High Court of Delhi vide W.P.(C) 12653/2022 and CM APPLs 38418 38419/2022 titled Laxmi Versus Union of India and Ors.

With reference to the Hon'ble court order dated 01.09.2022 of Hon'ble Mr. Justice Sanjeev Narula, High Court of Delhi vide W.P.(C) 12653/2022 and CM APPLS. 38418 38419/2022 titled Laxmi Versus Union of India and Ors, regarding subject noted above, the Medical Superintendent, AIIMS is pleased to constitute a Medical Board consisting of the following members:

- | | | |
|---------------------------------------------------------------|---|--------------------|
| 1. Dr. Sanjay Wadhwa
Prof. & Head, Deptt. of P.M.R. | - | Chairperson |
| 2. Dr. Ravi Mittal
Professor, Deptt. of Orthopaedics | - | Member |
| 3. Dr. Gita Handa Thukral
Professor, Deptt. of P.M.R. | - | Member |
| 4. Dr. Sukhpal Singh
Department of Hospital Administration | - | Member Secy. |

Ms. Laxmi was examined in PMR OPD on 05.09.2022 (Monday) and also on Thursday, 08.09.2022 at 03:00 P.M. in V.I.P. Consultation Room No. 13, M.S. Office Wing, Ground Floor, AIIMS, New Delhi. The reports and earlier certificates were reviewed and petitioner Ms. Laxmi was examined thoroughly by all the members.

Candidate Ms. Laxmi was assessed without and with lower limb orthosis. She was found to have improved ambulation and stability with Knee Ankle Foot Orthosis (KAFO) with compensation for shortening in left lower limb. With orthosis the disability becomes less than 80% (Eighty Percent). She would be able to perform the functions expected from a post graduate specialist doctor with use of an appropriate and well fitting orthosis.

Sd/- (Dr. Sanjay Wadhwa) Chairperson	Sd/- (Dr. Ravi Mittal) Member	Sd/- (Dr. Gita Handa Thukral) Member	Sd/- (Dr. Sukhpal Singh) Member Secy.
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[Emphasis supplied; bold in original]

2. Let a copy of the report be furnished to counsel for parties.
3. Now that an expert body has been constituted and they have opined that Petitioner “*would be able to perform the functions expected from a post graduate specialist doctor...*”. In view thereof, since Petitioner fulfils the requirement, she is permitted to participate in counselling for the post-graduate level medical course.
4. The present applications stand disposed of.

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5. Mr. Gaurav Kumar Bansal, counsel for Petitioner submits that some of the reliefs sought in the present petition survive and require consideration.
6. Accordingly, issue notice *qua* prayers 'c' and 'd'. Ms. Sarika Singh, Senior Panel Counsel, accepts notice on behalf of Respondent No. 1/Union of India. Mr. T. Singhdev, Advocate, accepts notice on behalf of Respondent No. 3/National Medical Commission.
7. Let counter-affidavit be filed *qua* prayers 'c' and 'd', within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks from today.
8. Upon filing of process fee, issue notice to remaining Respondents, by all permissible modes, returnable on the next date of hearing.
9. Re-notify on 22nd November, 2022.

SANJEEV NARULA, J

SEPTEMBER 14, 2022

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