

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944

WP(C) NO. 24607 OF 2021

PETITIONER/S:

DR,MURSHIDA KUNHI MOHAMMED
AGED 28 YEARS
W/O MUHAMMED NASWEEF, NOW RESIDING AT HOUSE NO1
AYSWARYA ENCLAVE, DS NARAYANA ROAD, PACHALAM,
COCHIN-682 012.
BY ADVS.
ATUL SOHAN
VINAI JOHN
SREEJA SOHAN K.
K.V.SOHAN

RESPONDENT/S:

- 1 THE NATIONAL BOARD OF EXAMINATIONS,
MEDICAL ENCLAVE, ANSARI NAGAR, RING ROAD,
NEW DELHI-110 029, REPRESENTED BY ITS DIRECTOR
- 2 LOURDES HOSPITAL
PACHALAM, ERNAKULAM, KOCHI-682 012,
REPRESENTED BY ITS DIRECTOR.
BY ADVS.
SHRI.T.SANJAY, SC, NATIONAL BOARD OF EXAMINATIONS IN
MEDICAL SCIENCES (NBEMS)
ENOCH DAVID SIMON JOEL
S.SREEDEV
RONY JOSE
SUZANNE KURIAN
CIMIL CHERIAN KOTTALIL
LEO LUKOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23.01.2023,
ALONG WITH WP(C).24615/2021, THE COURT ON 31.01.2023 THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944

WP(C) NO. 24615 OF 2021

PETITIONER/S:

DR. NINU SHERIN
AGED 29 YEARS
W/O FAYAS.C.P, NOW RESIDING AT:5D LOTUS KAILASH
APARTMENTS,
WARRIAM ROAD, PALLIMUKKU,
COCHIN-682 016.
BY ADVS.
ATUL SOHAN
SREEJA SOHAN K.
K.V.SOHAN

RESPONDENT/S:

- 1 NATIONAL BOARD OF EXAMINATIONS,
MEDICAL ENCLAVE, ANSARI NAGAR,
RING ROAD, NEW DELHI-110 029.
REPRESENTED BY ITS DIRECTOR.
- 2 JOINT DIRECTOR(MEDICAL),
DEPARTMENT OF EXAMINATIONS-CONDUCT (DOEC), NATIONAL
BOARD OF EXAMINATIONS,
NEW DELHI.
- 3 MEDICAL TRUST HOPSITAL,
MG ROAD, ERNAKULAM-682 016, REPRESENTED BY ITS DIRECTOR.
BY ADVS.
SHRI.T.SANJAY, SC, NATIONAL BOARD OF EXAMINATIONS IN
MEDICAL SCIENCES (NBEMS)
R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23.01.2023, ALONG WITH WP(C).24607/2021, THE COURT ON 31.01.2023
DELIVERED THE FOLLOWING:

SHAJI P. CHALY, J.

W.P.(C). Nos. 24607 & 24615 of 2021

Dated this the 31st day of January, 2023.

JUDGMENT

The captioned writ petitions are materially connected in respect of the claim raised by the petitioners in respect of the completion of post graduate course—Diplomate National Board (DNB) Broad Speciality and the eligibility to sit for the final examinations. At the outset, it is made clear that by virtue of common interim orders dated 25.11.2021 and 06.04.2022, the petitioners were participated in the theory examinations and practicals provisionally conducted by the National Board of Examinations, subject to further orders to be passed by the court.

2. Insofar as the result of the theory papers are concerned, an interim order was passed on 09.12.2021 not to declare the results of the examination written by the petitioners till the disposal of the writ petitions. But, as per the interim order passed by a learned single Judge on 24.08.2022, directing the National Board of Examinations to declare the results provisionally in order to enable them to appear for the practical examination again, if they have not been able to clear the

examination. But, in the said order also, it was made clear that the order will not confer any other right on the petitioners and they shall not plead equity based on the order.

Since the issues raised in the writ petitions are common in nature, it is proposed to consider them together and pass a common judgment.

The petitioner in W.P.(C) No. 24617 of 2021 is a registered candidate for the Postgraduate DNB Broad Speciality course offered by the National Board of Examinations in Medical Sciences. According to the petitioner, she is undergoing training in the Lourdes Hospital, Ernakulam, respondent No.2, from 22.10.2018 and the duration of course is three years. It is the admitted case of the petitioner that she could not appear for the examination conducted during August, 2021 as she had availed 218 days' maternity leave. Therefore, the period of training was extended and as on the next date declared for examination i.e., 16.12.2021 to 19.12.2021, according to the petitioner, she will complete 933 days as on 16.12.2021.

It is further submitted that as per Exhibit P6 notice dated 18.01.2021, National Board of Examinations extended the training period of all candidates of DNB Broad Specialty (Post MBBS) in 2018 batch only for a period of 3 months.

However, the subsequent 2019 batch of DNB Broad Speciality course candidates who completed only 932 days training as on 16.12.2021 was not extended. Therefore, the contention advanced by the petitioner is that Exhibit P6 notice discriminates 2018 batch of students from similarly situated 2019 batch appearing for examinations scheduled between 16.12.2021 and 19.12.2021. The sum and substance of the contention is that the denial of opportunity and the discrimination in the matter of appearing for examinations to a 2018 batch candidate who is having more days of training than 2019 batch candidates, cannot be legally sustained.

Insofar as the petitioner in W.P.(C) No. 24615 of 2021 is concerned, she is a registered candidate for Postgraduate DNB Broad Speciality Course and is undergoing training at Medical Trust Hospital, Ernakulam, respondent No.3 from 22.10.2018. The said petitioner could not appear for the examination conducted during August, 2021 as she had availed 211 days of maternity leave. So, the period of training was extended. The case of the petitioner therein also is that of the one raised by the petitioner in the other connected writ petition.

The grounds raised by the petitioners are common in nature and therefore, separate narration of further facts and grounds are not required. According to the petitioners, the National Board of

Examinations disallows the petitioner to undertake the final examinations scheduled from 16.12.2021 on the ground that she had availed maternity leave of 211 days and taking into account the covid period extension, which according to the petitioners, cannot be sustained for the basic reason that 2019 batch which joined the course on 29.05.2019 will complete only 932 days. Whereas the petitioner even after taking into account 211 days of maternity leave will complete 940 days of training. Therefore, it is contended that the denial of disallowing the petitioners and similarly situated candidates is a denial of equal opportunity and therefore, violative of the fundamental rights guaranteed under Part III of the Constitution of India. In the above factual background, the petitioners seek to declare that they are eligible to undertake their final-Exit-DNB-Broad-Speciality-(Post MBBS) Examination scheduled between 16.12.2021 and 19.12.2021. Other consequential directions are also sought for in the writ petition.

The National Board of Examination has filed a separate statement in the writ petitions refuting the allegations and claims and demands raised by the petitioners. Among other contentions, it is stated that the petitioners have joined for the course only on 22.10.2018 and the duration of the course was a period of three years

and consequently they were scheduled to complete their DNB training by 21.10.2021. The National Board of Examination extended the training of the course of batch in question for a period of three months as per notice dated 18.01.2021 on account of the loss of speciality specific training due to Covid-19 pandemic. Therefore, according to the first respondent, the scheduled completion date would be 21st January, 2022. It is further submitted that the said notice dated 18.01.2021 was challenged before the Apex Court in W.P.(C) No. 149/2021 wherein the relief sought is to quash the said notification as arbitrary and unconstitutional. The said writ petition was dismissed by the Apex Court on 17.02.2021 stating that the Apex Court is not inclined to entertain the writ petition filed under Article 32 of the Constitution of India.

It is further contended that the DNB final examination comprises a theory examination followed by practical examination. The Information Bulletin prescribes a cut off date by which the trainees are required to complete their DNB training for being eligible for a particular session of DNB final examination. The DNB Final examination are only conducted twice a year i.e., June and December. According to the National Board of Examinations, the petitioners could have appeared for the final examinations during June, 2021, if they

have completed their training on or before 28.02.2022. It is further submitted that the scheduled training was to be completed on 21.01.2022, and that since both the petitioners availed 211 days of maternity leave and other leave as well, they were ineligible to participate in the examination. It is further pointed out that a DNB trainee is entitled to 30 days per year of leave in the training period i.e., a total of 90 days in three years of training.

It is also the case of the first respondent that the cut off date for the completion of training for December, 2021 examination is 30.06.2022. The petitioner is not able to complete her training by the prescribed cut off date i.e., 30.06.2022 for DNB Final Examination, December, 2021 also, due to the excess leave of 211 days above the permissible leave of 90 days in three days. That apart, it is submitted that though the maternity leave availed by the candidate was approved by the National Board of Examinations, it was categorically mentioned in the said approval letters that the leave availed by the candidates other than eligible leave of 90 days in three years' of training shall lead to extension of DNB training. Therefore, the sum and substance of the contention advanced by the first respondent is that the petitioners are required to undertake the applicable extension for availing the maternity leave. Therefore, it is contended that having

accepted the approval for maternity leave with the conditions incorporated in the letters, the petitioners cannot turn around and complain about the resultant delay in completing the schedule of study in time.

Therefore, according to the first respondent, in tune with Exhibit P6 notice dated 18.01.2021, it appropriately extended the cut off dates for training completion for December, 2020 and June, 2021 examination in which the same batches were scheduled to appear. It is further pointed out that for DNB/Dr.NB final examination December, 2020 session, the prescribed cut off date was extended from 30.06.2021 to 30.09.2021 i.e., by a period of three months to accommodate the three months' covid extension as mandated by Exhibit P6 notice dated 18.01.2021.

It is further stated that for DNB/DrNB final examination of June, 2021 session, the cut off date was extended from 30.11.2021 to 28.02.2022 in order to accommodate the three months of Covid extension as mandated by Exhibit P6 notice dated 18.01.2021. Therefore, according to the first respondent, clause 6 of Exhibit P6 notice dated 18.01.2021 has been complied with. Therefore, it is submitted that there is no provision for extending the cut off date for training completion for DNB/DrNB Final Examination December, 2021

session as candidates of 2018 batch mentioned in Table 1 are getting ample time beyond their extended completion days to complete their DNB/DrNB training with the notified cut off date of 30.06.2022. It is also stated that applications are currently being invited and the documents are yet to be processed for determination of the eligibility; that the relevant documents, such as Provisional Training Completion Certificate have to be submitted along with the application as stipulated in Exhibit P5 instructions and that the eligibility of the petitioners can only be determined after the closure of the application window and receipt/process of application. It is further contended that the candidates who have not followed the academic calendar and schedule for the course of study do not have any legitimate right to insist that they register and appeared for examinations *dehors* the stringent conditions.

It is further submitted that due to the aforesaid factors, the petitioners could not have appeared for the DNB Final examination December, 2021. At best they could have appeared only for the next examination. Other contentions are also raised.

A reply affidavit is filed by the petitioners and along with the same, various documents are produced. Annexure III document in W.P.(C) No. 24607 of 2021 is the DNB Training Completion Certificate

(Provisional) 25.11.2021 issued by the Lourdes Hospital, wherein it is certified that the petitioner in the said writ petition has joined the DNB course on 22.10.2018 and will be completing the mandatory three years of training on 27.08.2022. The details of the leave availed by the said petitioner on the first, second and third year are clearly mentioned, and as per the said certificate, the petitioner has availed a total leave of 266 days, including the entitled leave of 48.

Likewise, Exhibit P8 DNB Training Completion Certificate (Final) dated 22.08.2022 issued by the Medical Trust Hospital produced along with I.A. No. 4 of 2022 in W.P.(C) No. 24615 of 2021 itself would certify that the petitioner in the said writ petition has completed the mandatory three years of training on 22.08.2022, which includes the course extension of 211 days due to the maternity leave approved by the National Board of Examinations and the course extension of three months due to Covid-19 pandemic. The details of the leave availed by the said petitioner during the three years' period would show that she has availed a total leave of 258 days during her DNB training.

I have heard the learned counsel for the petitioner Sri. K.V. Sohan and the learned counsel for the National Board of Examinations, Sri. T. Sanjay , and perused the pleadings and materials on record.

The deliberation of facts made above would make it clear that

as per the course curriculum, the petitioners could not sit for the final examination since they have not completed the three years' course period as per the mandate of the National Board of Examination. IT is also clear hat the petitioners have availed the maternity leave during the course period and consequent to which the duration of the course period had to be extended. The training period was extended for a peirod of three months as per the notice dated 18.01.2021 due to the covid -19 pandemic sitution also. Anyhow, it is clear from the certificates issued by the hospitals in regard to the DNB training completion. It is clear that the petitioners have completed the mandaory three years of training only on 27.08.2022 and 22.08.2022. The said dates contained in the certificate issued by the hospitals are undisputed. In the said certificate, the leave availed during the three year training period are clearly specified. The petitioners have not addressed any dispute with respect to the same. It is clear from the said certificates that in terms of the guidelines issued by the National Board of Examinations, the petitioners had to undergo extended training due to the excess leave availed by the petitioners. It is also clear that clause 6 of Exhibit P6 notice dated 18.01.2021 is not applicable in the case of the petitioners and the training period was to be extended in the case of the petitioners due to the excess leave of

211 days availed for maternity.

Therefore, the facts would clearly show that since the date of completion of the petitioners even according to the certificate issued by the hospitals are 27.08.2022 and 22.08.2022 respectively. The contentions advanced in the writ petitions that they are entitled for participation in the final examination with the cut off date of 30.0.2022 cannot be sustained. The learned counsel for the petitioners submitted that since they have participated in the examinations and they have passed the practical examinations it may not be justified to ask the petitioners to sit over the theory and practical papers again.

However, I am of the considered opinion that in the interim orders passed permitting the petitioners to participate in the examinations itself, it was made clear that the petitioners shall not claim any equity or any benefit on the basis of the interim orders. Anyhow, the learned counsel for the petitioners has submitted that under similar circumstances, the Apex Court in W.P.(Civil) No.1278 of 2021 dated 05.04.2022 permitting the candidates therein to participate in the examination tentatively scheduled to commence in July, 2022 and therefore, the petitioners are also entitled to get the similar treatment. However, I find that it is an order passed by the Apex Court by virtue of Article 142 of the Constitution of India and it is

well settled that the judgment or an order rendered by the Apex Court exercising the power conferred under Article 142 of the Constitution of India to do complete justice, cannot be treated as a binding precedent under Article 141 of the Constitution of India.

This question was considered by a Division Bench of this Court in ***Unive rsity of Calicut and others v. Dr. C. Rajendran and others*** [2022 (4) KHC 87] and held that the order passed under Article 142 of the Constitution of India is not a binding precedent to be followed by the courts.

Insofar as the relevance of the cut off date is concerned, was considered by the Apex Court vis-a-vis promotion to be provided in ***Ramrao and others v. All India Backward Class Bank Employees Welfare*** [2004 KHC 415=(2004) 2 SCC 76], and it is held as follows:

“Cut-off date

29. It is now well settled that for the purpose of effecting promotion, the employer is required to fix a date for the purpose of effecting promotion and, thus, unless a cut-off date so fixed is held to be arbitrary or unreasonable, the same cannot be set aside as offending Article 14 of the Constitution of India. In the instant case, the cut-off date so fixed having regard to the directions contained by the National Industrial Tribunal which had been given a retrospective effect cannot be said to be arbitrary, irrational, whimsical or capricious.

30. The learned counsel could not point out as to how the said date

can be said to be arbitrary and, thus, violative of Article 14 of the Constitution of India.

31. It is not in dispute that a cut-off date can be provided in terms of the provisions of the statute or executive order. In *University Grants Commission v. Sadhana Chaudhary* [(1996) 10 SCC 536 : 1996 SCC (L&S) 1431] it has been observed: (SCC p. 546, para 21)

“21. ... It is settled law that the choice of a date as a basis for classification cannot always be dubbed as arbitrary even if no particular reason is forthcoming for the choice unless it is shown to be capricious or whimsical in the circumstances. When it is seen that a line or a point there must be and there is no mathematical or logical way of fixing it precisely, the decision of the legislature or its delegate must be accepted unless it can be said that it is very wide off the reasonable mark. (See: *Union of India v. Parameswaran Match Works* [(1975) 1 SCC 305, 310 : (1975) 2 SCR 573] , SCC at 310 : SCR at p. 579 and *Sushma Sharma (Dr) v. State of Rajasthan* [1985 Supp SCC 45 : 1985 SCC (L&S) 565 : (1985) 3 SCR 243] , SCC at 66 : SCR at p. 269.)”

32. If a cut-off date can be fixed, indisputably those who fall within the purview thereof would form a separate class. Such a classification has a reasonable nexus with the object which the decision of the Bank to promote its employees seeks to achieve. Such classifications would neither fall within the category of creating a class within a class or an artificial classification so as to offend Article 14 of the Constitution of India.

33. Whenever such a cut-off date is fixed, a question may arise as to why a person would suffer only because he comes within the wrong side of the cut-off date, but, the fact that some persons or a section of society would face hardship, by itself cannot be a ground for holding that the cut-off date so fixed is ultra vires Article 14 of

the Constitution.”

In ***Union of India and another v. Sudhir Kumar Jaiswal*** [(1994) 4 SCC 212], the Apex Court had considered the question of equality in public employment vis-a-vis requirements for participation in the Indian Administrative Service, and it is held as follows with respect to the relevance of the cut off date:

8. Having known the legal parameters within which we have to function, let it be seen whether fixation of 1st August as cut-off date for determining the eligibility of applicants qua their age can be held to be arbitrary despite preliminary examination being conducted before that date. As to why the cut-off date has not been changed despite the decision to hold preliminary examination, has been explained in paragraph 3 of the special leave petition. The sum and substance of the explanation is that preliminary examination is only a screening test and marks obtained in this examination do not count for determining the order of merit, for which purpose the marks obtained in the main examination, which is still being held after 1st August, alone are material. In view of this, it cannot be held that continuation of treating 1st August as the cut-off date, despite the Union Public Service Commission having introduced the method of preliminary examination which is held before 1st August, can be said to be “very wide off any reasonable mark” or so capricious or whimsical as to permit judicial interference.”

In ***Guru Nanak Dev University v. Parminder Kr. Bansal and another*** [(1993) 4 SCC 401], the question of granting interim orders

with regard to the eligibility of the candidate was considered and it is held as follows:

“5. Shri Gambhir, learned counsel for the University says that the very implication of the idea of regularisation contained within it the premise that the initial admission itself was irregular. He submitted that the University was confronted with a fait accompli by virtue of interlocutory orders. The final order in the writ petition did no more than validate and perpetuate the interlocutory error without any pronouncement on or adjudication of the basic issues of eligibility. Shri Gambhir aired a serious grievance that these type of orders would introduce an element of indiscipline in academic life and expose the system to ridicule and render any meaningful control of academic work impossible. He relied upon certain pronouncements of this Court to support his contention that in academic matters courts should be wary in directing the admissions to colleges by means of interim directions which would create complications later and expose even the beneficiaries of such orders to difficulties when the final adjudication goes against them.”

In ***UPSC V. S. Krishna Chitanya*** [2011) 14 SCC 227], the Apex Court had occasion to consider the effect of an interim order passed by the Central Administrative Tribunal in order to participate in a preliminary examination and it is held as follows:

“30. We may add here that this Court has observed time and again that an interim order should not be of such a nature that by virtue of which a petition or an application, as the case may be, is finally allowed or granted even at an interim stage. We reiterate that normally at an interlocutory stage no such relief

should be granted that by virtue of which the final relief, which is asked for and is available at the disposal of the matter is granted. We, however, find that very often courts are becoming more sympathetic to the students and by interim orders the authorities are directed to permit the students to take an examination without ascertaining whether the candidate concerned had a right to take the examination. For any special reason in an exceptional case, if such a direction is given, the court must dispose of the case finally on merits before declaration of the result. In the instant case, we have found that the respondent not only took the preliminary examination but also took the main examination and also appeared for the interview by virtue of interim orders though he had no right to take any of the examinations. In our opinion, grant of such interim orders should be avoided as they not only increase the work of the institution which conducts the examination but also give a false hope to the candidates approaching the court."

I have also come across the judgment of the Apex Court in ***National Board of Examinations v. G. Anand Ramamurthy and others*** [(2006) 5 SCC 515], wherein the Apex Court considered the question of eligibility for appearing in Super Speciality examinations and the requirements under the relevant clause that the candidate should have completed three years training in the speciality after postgraduate degree and it is held as follows:

7. We have carefully considered the submissions made by both the learned Senior Counsel. In our opinion, the High Court was not

justified in directing the petitioner to hold examinations against its policy in complete disregard to the mandate of this Court for not interfering in the academic matters particularly when the interference in the facts of the instant matter lead to perversity and promotion of illegality. The High Court was also not justified in exercising its power under Article 226 of the Constitution of India to merge a past practice with decision of the petitioner impugned before it to give relief to the respondents herein. Likewise, the High Court was not correct in applying the doctrine of legitimate expectation even when the respondents herein cannot be said to be aggrieved by the decision of the petitioner herein. The High Court was also not justified in granting a relief not sought for by the respondents in the writ petition. The prayer of the respondents in the writ petition was to seek a direction to the petitioner herein to hold the examinations as per the schedule mentioned in the Bulletin of 2003. However, the High Court passed an order directing the petitioner herein to hold the examinations for the respondents according to the schedule mentioned in the Bulletin of 2003. The effect of this order is that the petitioner would have to permit the respondents to take the exam even if they do not meet the eligibility criteria fixed by the petitioner in its policy of 2003. Our attention was also drawn to the Bulletin of Information of 2003. In view of categorical and explicit disclosures made in the Bulletin, all candidates were made aware that instructions contained in the Information Bulletin including but not limited to examination schedule were liable to changes based on decisions taken by the Board of the petitioner from time to time. In the said Bulletin of Information, candidates were requested to refer to the latest Bulletin or corrigendum that may be issued to incorporate these changes. Thus, it is seen that the petitioner has categorically reserved

its rights in the Bulletin of Information to change instructions as aforesaid which would encompass and include all instructions relating to schedule of examinations. It is also mentioned in the Bulletin in no uncertain terms that the instructions contained in the Bulletin including the schedule of examinations were liable to changes based on the decisions taken by the governing body of the petitioner from time to time. Hitherto examinations were being conducted twice a year i.e. in the months of June and December 2006. There could be no embargo in the way of the petitioner bona fide changing the examination schedule, more so when it had admittedly and categorically reserved its rights to do so to the notice and information of Respondents 1 and 2. In any event, the completion of three years' training is a necessary concomitant for appearing in the DNB final examination.

8. Likewise, the bare perusal of clause 4 of the Bulletin of Information, June 2006, manifests that the petitioner has reserved right to change the guidelines/practice and further it has been made absolutely clear that the candidate shall be governed by the Bulletin of Information for the session in which the candidate appears.”

That apart, a Division Bench of the Delhi High Court in ***National Board of Examination v. Rajani Sinha and others*** [2021 KHC 5471] had occasion to consider the very same question in regard to DNB Degree in Family Medicine and it is held as follows:

11 to 13

that apart, Section 37 of the National Medical Commission Act,

2019 deals with recognition of medical qualifications granted by medical institutions outside India and sub-Section (2) specifies that the Diplomat of National Board in broad-speciality qualifications and super-speciality qualifications when granted in a medical institution with attached hospital or in a hospital with the strength of five hundred or more beds, by the National Board of Examinations, shall be equivalent in all respects to the corresponding postgraduate qualification and the super-speciality qualification granted under the Act, 2019.

therefore, in my considered opinion, whatever mandate prescribed by the National Board of Examination, which is a body registered under the Societies Registration Act, 1860, which grants broad-speciality and super-speciality qualifications referred to in the Schedule to the Act, 2019, is to be considered with utmost seriousness and laxity can be shown so as to water down the prescriptions contained under the Bulletin of Information issued by the National Board of Examination.

It is on the basis of the training undertaken by the candidates for a period of three years that they are permitted to participate in the examinations and therefore, the training to be imparted while undertaking the studies, is of utmost importance and solemn, which cannot be altered by a court of law and permit the candidates to

participate in the examinations against the rules prescribed under the Bulletin of Information.

Therefore, when the Bulletin of Information has prescribed the period of three years for the completion of training to sit for the final examination, it would have to be given utmost credence. Merely because 2019 batches were permitted to participate in the examination in a different manner, that would not enure to the benefit of the petitioners since the petitioners were informed through the Information Bulletin that they would have to undergo three years training period. In that view of the matter, it cannot be said that there is any discrimination meted out by the National Board of Examination in respect of the training period fixed for the 2018 batch.

therefore, considering the facts, circumstances and the law, I am of the considered opinion that since the petitioners have not completed the training of 3 years as mandated by the National Board of Examinations, the petitioners were not entitled to participate in the examinations scheduled with the cut off date of 30.06.2022. Merely because the petitioners have participated in the theory and practical papers by virtue of the interim orders granted, since I find that they have not acquired the required training in contemplation of the parameters fixed by the National Board of Examination, they are not

entitled to take advantage of the participation in the examination by virtue of the interim orders.

The deliberation of facts made above would make it clear that the petitioners are not entitled to get the reliefs as are sought for in the writ petitions. The writ petition fail and accordingly, it is dismissed. However, I make it clear that the petitioners are entitled to participate in the ensuing examinations if they have completed the training in accordance with the course curriculam fixed by the National Board of Examination.

sd/- **SHAJI P. CHALY, JUDGE.**

Rv

APPENDIX OF WP(C) 24607/2021

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE LETTER OF REGISTRATION ISSUED BY THE NATIONAL BOARD OF EXAMINATIONS IN MEDICAL SCIENCES WITH PROVISIONAL REGISTRATION ON 22.10.2018.
EXHIBIT P2	TRUE COPY OF THE LEAVE APPROVAL LETTER DATED 29.11.2018 ISSUED BY NATIONAL BOARD OF EXAMINATIONS.
EXHIBIT P3	TRUE COPY OF THE LEAVE APPROVAL LETTER DATED 10.2.2021 ISSUED BY NATIONAL BOARD OF EXAMINATIONS.
EXHIBIT P4	TRUE COPY OF THE NOTICE ISSUED INVITING APPLICATION FOR DNB FINAL THEORY EXAMINATIONS DECEMBER 2021 SESSIONS DATED 23.10.2021.
EXHIBIT P5	TRUE COPY OF THE RELEVANT PAGES OF THE INFORMATION BULLETIN.
EXHIBIT P6	TRUE COPY OF THE NOTICE EXTENDING THE TRAINING PERIOD OF DNB-BROAD SPECIALTY 2018 BATCH.
EXHIBIT P7	TRUE COPY OF THE E-MAIL SENT.
EXHIBIT P8	THE DBN TRAINING COMPLETION CERTIFICATE (PROVISIONAL) DATED 25.11.2021 ISSUED BY RESPONDENT NO.2.
EXHIBIT P9	CERTIFICATE DATED 20.08.2022 ISSUED BY RESPONDENT NO.2.
EXHIBIT-P10	TRUE COPY OF THE THEORY EXAMINATION RESULT OF THE PETITIONER PUBLISHED BY RESPONDENT NO:1.
EXHIBIT-P10.A	TRUE COPY OF THE PRACTICAL EXAMINATION RESULT OF THE PETITIONER PUBLISHED BY RESPONDENT NO:1
EXHIBIT-P11	TRUE COPY OF A COMPARISON TABLE SHOWING THE RESPECTIVE DAYS OF TRAINING UNDERGONE BY THE PETITIONER

RESPONDENTS' EXHIBITS: NIL

True Copy

PS To Judge.

APPENDIX OF WP(C) 24615/2021

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE LETTER OF REGISTRATION ISSUED BY THE NATIONAL BOARD OF EXAMINATIONS IN MEDICAL SCIENCES WITH PROVISIONAL REGISTRATION ON 22.10.2018.
EXHIBIT P2	TRUE COPY OF THE LEAVE APPROVAL LETTER DATED 09.09.2019 ISSUED BY THE NATIONAL BOARD OF EXAMINATIONS.
EXHIBIT P3	TRUE COPY OF THE LEAVE APPROVAL LETTER DATED 17.02.2021 ISSUED BY THE NATIONAL BOARD OF EXAMINATIONS.
EXHIBIT P4	TRUE COPY OF THE NOTICE ISSUED INVITING APPLICATION FOR DNB FINAL THEORY EXAMINATIONS DECEMBER -2021 SESSION DATED 23-10-2021
EXHIBIT P5	TRUE COPY OF THE RELEVANT PAGES OF THE INFORMATION BULLETIN.
EXHIBIT P6	TRUE COPY OF THE NOTICE EXTENDING THE TRAINING PERIOD OF DNB-BROAD SPECIALITY 2018 BATCH
EXHIBIT P7	TRUE COPY OF THE E-MAIL OF THE MAIL LETTER AND THE REPLY SENT BY THE RESPONDENT NO.1.
EXHIBIT P8	THE DBN TRAINING COMPLETION CERTIFICATE (FINAL) DATED 22.08.2022 ISSUED BY RESPONDENT NO.3.
EXHIBIT P10.A	TRUE COPY OF THE PRACTICAL EXAMINATION RESULT OF THE PETITIONER PUBLISHED BY RESPONDENT NO:1 PRINTED ON 26/08/22.
EXHIBIT P10	TRUE COPY OF THE THEORY EXAMINATION RESULT OF THE PETITIONER PUBLISHED BY RESPONDENT NO:1 PRINTED ON 16-SEP-2022.
EXHIBIT-P11	TRUE COPY OF A COMPARISON TABLE SHOWING THE RESPECTIVE DAYS OF TRAINING UNDERGONE BY THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

True Copy

PS To Judge.