



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 14717/2023

Dr. Varsha Sharma W/o Dr. Vijendra Sharma, Aged About 33
Years, R/o Pukhraj Plaza, Near Radhadamodar Mandir, Maha
Mandir Road, Parsuram Park, Ward No.29, Sikar Rajasthan

-----Petitioner

Versus

1. Joint Director, (Medical) National Board Of Examinations
Medical Enclave, Ansari Nagar, Mahatma Gandhi Marg
Ring Road, New Delhi-110029.
2. Narayana Multispeciality Hospital, Sector-28 Kumbha
Marg, Pratap Nagar, Jaipur Through Its Clinical Director.

-----Respondents

For Petitioner(s) : Ms. Suman Sharma
For Respondent(s) : Mr. Ajay Shukla
Mr. Krishan Mohan Mathur

JUSTICE ANOOP KUMAR DHAND
Order

28/08/2025

1. By way of filing this writ petition, a prayer has been made by
the petitioner to issue direction to the respondents to release the
petitioner's Provisional Pass Certificate, Attempt Certificate and
the final Degree of DNB specializing in Obstetrics and Gynaecology
to her and a further prayer has been made for issuing a direction
to the respondents to pay Rs. 50 Lac, as compensation to her for
the mental harassment caused by the respondents in hindering
the career opportunities of the petitioner.
2. Counsel for the petitioner submits that on 04.06.2019, the
petitioner was granted admission in the two years DNB training
course specializing in Obstetrics and Gynaecology through the Na-
tional Board of Examinations in Medical Sciences. Counsel submits



that during the course of the aforesaid training, the petitioner applied for 105 days of Maternity Leave and the same was sanctioned by the National Board of Examinations (NBE) vide order dated 05.08.2019. Counsel submits that because of the Maternity Leave, the training period of the petitioner was extended however, she was not allowed to appear in the examination. Counsel submits that under these circumstances, the petitioner approached this Court by way of filing S.B. Civil Writ Petition No. 3505/2021 wherein an interim order dated 17.03.2021 was passed directing the respondents to allow the petitioner to appear in the examination and finally, the said writ petition was allowed by this Court vide order dated 06.12.2022, and the respondents were directed to declare the result of the petitioner within a period of two weeks. Counsel submits that the aforesaid order dated 06.12.2022 passed by the Co-ordinate Bench of this Court was assailed by the respondent-NBE by way of filing D.B. Special Appeal Writ No. 54/2023 before the Division Bench of this Court, however the said appeal was rejected by the Division Bench vide order dated 31.05.2023. Counsel submits that while deciding the aforesaid appeal, the Division Bench has taken note of the fact that the cut off date was extended upto 30.09.2021 and the petitioner has completed her DNB-Obstetrics and Gynaecology training on 24.10.2021. Counsel submits that inspite of the above, when the result of the petitioner was not declared, a contempt petition was filed by the petitioner and during the pendency of the said contempt petition, the result of the petitioner was declared on 06.07.2023. However, inspite of declaration of the result of the petitioner, till date the respondents have not issued any Provisional



Pass Certificate, Attempt Certificate and Degree to the petitioner, hence, appropriate directions be issued to the respondents in this regard.

3. Per contra, counsel for the respondent-NBE opposes the arguments raised by counsel for the petitioner and submits that the petitioner has not completed her two years training of DBA-Obstetrics and Gynaecology course as she has taken 123 days leave during the course of her training. Counsel submits that as per the record, the petitioner's two years training would not be completed before 05.11.2021, however two contradictory certificates were issued by the Narayana Multispeciality Hospital wherein two different dates of completion of the training by the petitioner were mentioned as 28.10.2021 and 31.10.2021. Counsel submits that though earlier, the petitioner was not eligible to appear in the examination but later on she was allowed to appear in the examination vide interim order dated 17.03.2021 passed by this Court and her result was declared subsequently during pendency of the contempt proceedings on 06.07.2023. Counsel further submits that there is a shortfall of seven days in the training period of the petitioner, hence, under these circumstances, the degree in the DNB course specializing in Obstetrics and Gynaecology cannot be issued to the petitioner.

4. Counsel appearing for the Narayana Multispeciality Hospital submits that during the spread of the COVID-19 Pandemic, the training period of all the students was extended for a further period of three months and on the basis of the circular issued by the NBE, the training period of the candidates was calculated and as per the circular, the leave of the petitioner was required to be ad-





justed and after adjusting the period of leave granted to the petitioner, it was decided that the petitioner has completed her training on 28.10.2021. Counsel submits that hence the petitioner has completed her two years training in the DNB course specializing in Obstetrics and Gynaecology on 28.10.2021.



5. Heard and considered the submissions made at Bar and perused the material available on record.

6. Perusal of the record indicates that the petitioner took admission in DNB Obstetrics and Gynaecology course on 04.06.2019 and the aforesaid course was for a period of two years and in the meantime, the petitioner applied for 105 days of Maternity Leave before the NBE and the same was sanctioned by the NBE vide order dated 05.08.2019. It appears that during the continuation of the training period, there was a spread of COVID 19 Pandemic, hence, under these circumstances, the training period of each student was extended for a further period of three months by the NBE. On the basis of the circulars/guidelines issued by the NBE, the leave period of the students was calculated and on the basis thereof, the hospital has issued a certificate in favour of the petitioner indicating therein that she has completed her two years training course on 28.10.2021. This Court finds that when the petitioner was not allowed to appear in the final year examination, she approached this Court by way of filing SBCWP No. 3505/2021 wherein an interim order dated 17.03.2021 was passed and the petitioner was allowed to appear in the written as well as the practical examination and finally her writ petition was allowed by this Court vide order dated 06.12.2022 with direction to the respondents to declare the result of the petitioner.



7. Aggrieved by the aforesaid order, the respondent-NBE approached this Court by way of filing an appeal before the Division Bench, however, the same was also rejected vide order dated 31.05.2023. In spite of the above, when the result of the petitioner was not declared in furtherance of the direction in the order dated 06.12.2022 passed by this Court, a contempt petition was filed by the petitioner. During the pendency of the same, the result of the petitioner, was declared on 06.07.2023 and in spite of declaration of the result of the petitioner, the respondents have not issued the Provisional Pass Certificate, Attempt Certificate and Final Degree of the petitioner based on the technical reason of non-completion of the requisite training period by the petitioner.

8. This Court finds that once the hospital has issued a certificate of completion of training in favour of the petitioner, indicating therein that the petitioner has completed her two years training on 28.10.2021, then there was no reason or occasion available with the respondent-NBE to withhold the Provisional Pass Certificate, Attempt Certificate and Final Degree of the petitioner.

9. In view of the above, the present writ petition stands disposed of by issuing a direction to the respondent-NBE to release the Provisional Pass Certificate, Attempt Certificate and Final Degree of the petitioner forthwith, without any further delay, within a period of seven days.

10. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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