

ITEM NO.32

COURT NO.1

SECTION XI-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s).6772/2023

(Arising out of impugned final judgment and order dated 31-01-2023 in WP(C) No. 24615/2021 passed by the High Court of Kerala at Ernakulam)

DR. NINU SHERIN

Petitioner(s)

VERSUS

NATIONAL BOARD OF EXAMINATIONS &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 6719/2023 (XI-A)

Date : 16-10-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Vikas Upadhyay, Adv.  
Ms. Filza Moonis, AOR

For Respondent(s) Mrs. Maninder Acharya, Sr. Adv.  
Mr. Dhawal Mohan, Adv.  
Mr. Paranjay Tripathi, Adv.  
Mr. Parteek Bhatia, Adv.  
Mr. Gaurav Sharma, AOR

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

- 1 The petitioners who are students of the DNB course took maternity leave. They were denied permission to appear for the December 2021 examination on the ground that they would not be in a position to complete the training by the cut-off date of 30 June 2022. An interim order of the High Court permitted appearance at the written and practical test for the DNB examination. However, the writ petition was, thereafter, dismissed which gave rise to these

proceedings.

- 2 It is common ground that the petitioners have since completed their training for the DNB course on 21 August 2022 and 28 August 2022. Having appeared in the examination pursuant to the interim orders of the High Court, both have cleared the examination.
- 3 In this view of the matter, we are of the considered view that the exercise of the jurisdiction under Article 142 of the Constitution would be appropriate to obviate injustice being caused to the petitioners by requiring them to appear in the examination afresh. Since the petitioners have cleared the examination and have also completed the required training for the course, they would be treated to have passed the examination.
- 4 Since after the declaration of the result, it was cancelled by the National Board of Examination, the Board shall formally recall the cancellation of the result and formally declare that the petitioners have passed the examination.
- 5 The Petitions are disposed of in the above terms.
- 6 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**