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

Judgment reserved on:19.02.2026

Judgment pronounced on: 27 .02.2026

+ **W.P.(C) 19812/2025, CM APPL. 82718/2025**

DR. OISHIKA CHAKRABORTYPetitioner

Through: Dr. Rakesh Gosain, Ms. Shrieya Gosain, Adv.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCES - AIIMS -

THROUGH ITS DIRECTOR & ORS.Respondents

Through: Mr. Anand Varma, Mr. Ayush Gupta, Adv. for R-1&2

Mr. Varun Nagrath, Mr. Nishant Das, Mr. Karandeep Singh, Ms. Aatrayi Das, Ms. Jyoti Jha, Adv. with Respondent No.3 in person

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

J U D G M E N T

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“A. Issue an Appropriate Writ, Order or Direction in the Nature of a Writ of Certiorari quashing the result for



Fellowship in Maternal Fetal Medicine (Subject Code 70) for the January 2026 session.

B. Issue an Appropriate Writ, Order or Direction in the Nature of a Writ of Mandamus for production of Stage-II assessment records and video recordings.

C. Alternatively, issue an appropriate writ, order, or direct the Respondents to select the Petitioner based on her admitted merit in the Stage-I examination, or conduct a retest of practical skills may be directed in accordance with the prospectus.

D. Pass such other and further order(s) that this Hon'ble Court deems just and proper in the facts and circumstances of the case and in the interest of justice and equity."

2. The petitioner i.e., Dr. Oishika Chakraborty, is stated to be an Obstetrician and Gynaecologist, MBBS from Lady Hardinge Medical College, New Delhi, and MD in Obstetrics and Gynaecology from Postgraduate Institute of Medical Education and Research, Chandigarh ("**PGIMER, Chandigarh**"), with three years of senior residency experience at PGIMER Chandigarh, Lok Nayak Hospital, All India Institute of Medical Sciences ("**AIIMS**") New Delhi, and Safdarjung Hospital.
3. The respondent No. 1 is AIIMS and respondent No. 2 is Assistant Controller (Examinations), AIIMS.
4. The respondent No. 3 i.e., Dr. Maninder Kaur Ghotra, is the candidate who secured the seat in question.



FACTUAL BACKGROUND

5. The brief facts are that in October 2025, respondent No.1 issued a Prospectus (“*Prospectus*”) vide which applications for several departments were invited for January 2026 Fellowship Programme, including for Maternal-Fetal Medicine (Subject Code 70) (“*MFM Fellowship*”), for which the petitioner and respondent No. 3 applied.
6. The prescribed selection process had two stages: Stage-I was a written examination carrying 60 marks, and Stage-II was a “departmental clinical/practical/lab based assessment” carrying 40 marks, for candidates securing 50% or more in Stage-I. The process as laid down in the Prospectus reads as under:-

“5. Procedure to be followed for selections for Fellowship Programme

Selections are made through 2-Stage Performance Evaluation basis:

Stage I: Written test carrying 60 marks of 60 minutes duration in the subject wherein the candidate has applied for. The question paper will consist of 60 Multiple Choice Questions (MCQs).

Stage II: Out of the candidates who have secured 50% or more marks [as per the decision of the meeting of the 116th Academic committee (item No. AC/116/10 dated 06.03.2018) in the written test (Stage-I), candidates 3 times the number of seats advertised will be called for



departmental clinical /practical/ lab based assessment (carrying 40 marks).

(a) Candidate must secure 50% marks in Stage-I to qualify for Stage-II (Departmental Assessment).

(b) Candidate must secure Overall more than 50% to become eligible for admission

(Both Stage-I & Stage-II combined)

(c) In case candidate gets >50% marks in Stage-I &<50% marks in Stage I & II combined, he will not be eligible for admission.

Final Selection: Final result will be declared based on total marks obtained in Stage-I and Stage-II Examination

Note: I) The result of Stage-I will be available on website of the Examination Section www.aiimsexams.ac.in No individual intimation will be communicated to candidates.

II) Candidates who fail to attend any of the two stages mentioned above will not be eligible for admission.

Selected candidates are required to join between 01.01.2026 to 15.01.2026. The competent authority may permit an extension of joining till 31.01.2026 based on the merit of each case.

III) Last date for admission the Fellowship Programme will be 28.02.2026. In any circumstances, last date for admission will not be extended after 28.02.2026.”

7. The petitioner secured 52.667 out of 60 marks in Stage-I examination



and consequently, was selected for Stage-II process. For Stage-II, the petitioner gave an online interview and secured 26 out of 40 marks (as per the final result notification, annexed as Annexure P-3 to the present petition), whereas the selected candidate i.e., respondent No. 3, obtained 36 out of 40 marks in Stage-II and 46.667 out of 60 marks in Stage-I. Hence, as per the final result, the respondent No. 3 was selected, as having scored a total of 82.667 out of 100 marks, whereas the petitioner scored a total of 78.667 out of 100 marks.

8. Being aggrieved by the said allocation of marks in Stage-II assessment, the petitioner has challenged the selection process. Hence, the present petition.

SUBMISSIONS ON BEHALF OF THE PETITIONER

9. Dr. Gosain, learned counsel for the petitioner, challenges the validity of the selection process under Stage-II conducted by respondent No. 1 and 2 for admission under MFM Fellowship Programme. The primary contentions raised is that respondent Nos. 1 and 2 deviated from Stage-II procedure as provided in the Prospectus issued for MFM Fellowship Programme and altered the evaluation methodology and the procedure for Stage-II assessment was highly subjective.
10. It is submitted that the respondent Nos. 1 and 2 deviated from the Prospectus, which is binding and any deviation from the same was illegal. As per the Prospectus, under Stage-II “departmental clinical/practical/lab based assessment” was to be carried out. However, *vide* email dated 13.12.2025, the petitioner received a Google Meet link for the ‘interview’ for Stage-II, being a CV-based



interview which is not same as “clinical/practical/lab based assessment”. Substituting clinical/practical/lab based assessment with an online CV interview constituted arbitrariness and is in violation of Article 14 of the Constitution of India. Reliance is placed on *Punjab Engineering College, Chandigarh v. Sanjay Gulati*, AIR 1983 SC 580; *Guru Nanak Dev University v. Parminder Kr. Bansal*, (1993) 4 SCC 401 and *Varun Kumar Agarwal v. Union of India*, 2011 SCC OnLine Del 1133.

11. It is further submitted that respondent No. 1 and 2 arbitrarily gave unduly high weightage to interview held in Stage-II i.e., 40%, and the same is in violation of principles as laid down in *Ajay Hasia v. Khalid Mujib Sehravardi*, (1981) 1 SCC 722 and *Ashok Kumar Yadav v. State of Haryana*, (1985) 4 SCC 417.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NOS. 1 AND 2/AIIMS

12. Mr. Varma, learned counsel for respondent Nos. 1 and 2, submits that the present writ petition is liable to be dismissed and respondent Nos. 1 and 2 are the sole judge of the merit of a candidate and the respondent No. 3 is the candidate who has succeeded in the selection process.
13. It is submitted that the process carried out under Stage-II was consistent with the Prospectus. The email dated 13.12.2025 sent by the respondent Nos. 1 and 2 to all the 3 shortlisted candidates clearly stated that the assessment will be based on a PowerPoint Presentation including qualifications, publications, awards and any other significant



achievements and a CV. Hence, all the candidates, including the petitioner and respondent No. 3, had the same knowledge about Stage-II assessment, duly participated, appeared for the Google meet of 16.12.2025 and hence, petitioner's contentions of subjectivity and favouritism are misconceived. The Stage-II assessment was carried out on the basis of the said objective criteria and the same is reflected in the marksheet of all the three candidates, which reads as under:-

Assessment Marks

	Oishika Chakaborty	Dr. Maninder Kaur Ghotra	Dr. Rupaka Gauri Lakshmi
Publication (Indexed) (1st,2nd or corresponding author)			
Original article	0	2	0
Case report	0	1x7=7	0
Thesis paper	0	0	0
Book Chapter	1+1	0	1
Awards			
Awards: Paper			
Regional/National	0	2	2
International	0	0	0
Awards: Poster			
Regional/National	0	1	1
International	0	0	0
Other awards	2	0	0
Presentation in conference			
Paper			
Regional/National	0	2+2+2	2+2+2
International	3	3+3	0
Poster			
Regional/National	1	1+1	1+1+1
International	0	2	0
Total	2+2+4=8	5(Max)+3+10(Max)=18	1+3+9=13
Clinical Assessment	18	18	15
Grand Total	26	36	28



14. It is submitted that Stage-II assessment was an objective based interview, which lasted for about 10 minutes and was based on petitioner's own CV and PowerPoint Presentation. The use of the word 'interview' in the email dated 13.12.2025 is a misnomer and does not determine the assessment's nature, instead, the marksheet, as produced by respondent Nos. 1 and 2, shows the criteria taken into account while assessing qualifications of all the 3 candidates.
15. Further, it is submitted that the petitioner never objected to the online Stage-II assessment and participated in the same without any protest, despite being aware on 08.12.2025 (when the list of candidates who qualified for Stage-II was published) that Stage-II assessment shall be conducted online. The petitioner cannot now challenge the admission process after participating in the same, reliance is placed on *Anupal Singh v. State of U.P.*, (2020) 2 SCC 173 and *Ramesh Chandra Shah v. Anil Joshi*, (2013) 11 SCC 309.
16. It is submitted that that a clinical/practical/lab based assessment was not legally tenable as the same is prohibited under Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 ("*PCPNDT Act*"). Also, that the NBE curriculum relied upon by the petitioner is part of curriculum during the MFM fellowship, and the same cannot be used as an entry level assessment for the fellowship.
17. It is submitted that petitioner's reliance upon *Ajay Hasia (supra)* is misplaced, as in *Ajay Hasia (supra)* the admission process was challenged on the grounds that the "interview" of petitioners was for hardly 2-3 minutes and the questions asked during interview were



relating to parentage and residence and the candidates selected had lower marks in the written test, but obtained higher marks in the interview. In the present case, Stage-II assessment was conducted based on an objective criteria, as stated above, and hence, the principles of *Ajay Hasia (supra)* on interview does not apply.

18. It is submitted that the petitioner has made allegations of favouritism in favour of respondent No. 3 on the basis that respondent No. 3 obtained more marks in the Stage-II assessment. In the present case, the eligibility criteria for Fellowship lays emphasis on “post PG teaching experience”. Hence, for the said purpose candidates’ CVs, publications, thesis etc. were assessed for a comprehensive analysis. Reliance is placed on *Secy. (Health) Deptt. of Health & F.W. v. Anita Puri (Dr)*, (1996) 6 SCC 282 and *Lila Dhar v. State of Rajasthan*, (1981) 4 SCC 159. Further, the Stage-I marks of all candidates were kept confidential, and not disclosed to the Department conducting Stage-II assessment and were disclosed only when results were declared. Thus, the allegation of favouritism are false.
19. Lastly, it is submitted that the views of subject expert/academic decision or the decision making process does not warrant any interference as the same was not arbitrary and they are experts in their filed. The Court should not substitute its own views with those of subject experts. The board comprised of seven distinguished professors/ HODs who comprehensively conducted and analysed the selection process. Reliance is placed on *Sanchit Bansal v. Joint Admission Board*, (2012) 1 SCC 157, *IIT Kharagpur v. Soutrik*



Sarangi, (2021) 17 SCC 79 and *Deepak Suresh Kumar v. AIIMS, 2024 SCC OnLine Del 8946*.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NO. 3

20. Mr. Nagrath, learned counsel for the respondent No. 3, submits that the respondent No. 3 is a meritorious Obstetrician and Gynaecologist with 6 years and 10 months of experience. She cleared both Stages for admission in MFM Fellowship and came first with 82.667 marks. Hence, denial of the said seat would gravely jeopardise her career and cause irreparable injury.
21. It is submitted that the Stage-I result was declared *vide* notification dated 08.12.2025, wherein it was stated that “the following candidates who appeared in the Entrance Examination held on Saturday, the 29th November, 2025 for fellowship programme and have qualified for Stage-II are required to appear for Departmental Clinical/Practical/Lab Based Assessment through video conferencing mode only” and that “Date of Departmental Assessment (Online Mode)” was 16.12.2025. Further, respondent No. 1 *vide* email dated 13.12.2025 provided link for virtual meeting for the Departmental Assessment and informed the candidates to prepare a PowerPoint Presentation including their qualifications, publications, awards, etc. along with a CV, for the Stage-II assessment. Hence, in view of the instructions in the email dated 13.12.2025 and the petitioner having participated in the selection cannot now turn back to challenge the same. Reliance is placed on *Madan Lal v. State of J&K, (1995) 3 SCC 486* and *Dhananjay Malik v. State of Uttaranchal, (2008) 4 SCC 171*.



22. It is further stated that the petitioner even failed to raise concerns as per the procedure provided in the Prospectus. Even an identical methodology is followed by PGIMER, Chandigarh for its fellowship programme.

REJOINDER ARGUMENTS ON BEHALF OF PETITIONER

23. In response to the respondents' contention, it is submitted that Stage-II assessment was a subjective evaluation of past achievements. As per the breakdown of Stage-II assessment marks, respondent No. 3 scored 18/20 in non-clinical heads, while petitioner scored 8/20 and both candidates secured 18/20 in the "clinical assessment". This shows that respondent No. 3 selection was based on "substantial publications and presentations" and respondent Nos. 1 and 2 turned "Fellowship Entrance Exam" into "CV Review". Further, while petitioner scored 52.667/60 marks in Stage-I test, she was given only 26/40 in Stage-II assessment, while respondent No. 3 who scored 46.667/60 marks in Stage-I test, was awarded 36/40 in Stage-II assessment and thereby, overturning merit. Also, 20 marks allotment to "Clinical Assessment" is without any defined criteria and the same shows subjectivity. Further, this Court, *vide* order dated 31.12.2025 recorded that *prima facie*, Stage-II assessment conversion into online interview was not in objective manner.
24. Further, it is submitted that petitioner participated with expectation that Prospectus will be followed, however, the same was not done, and thereby, estoppel argument raised by the respondents is misconceived.
25. It is submitted that though PCPNDT Act regulates misuse of



ultrasound techniques but such techniques are steadily conducted over the country for academic and teaching activities in controlled settings. Also, the NBE curriculum for FNB Maternal and Fetal Medicine lists Ultrasound as a “Must Know” skill. Hence, respondent Nos. 1 and 2’s argument that since ultrasonography skills is illegal under the PCPNDT Act no academic assessments could be conducted is misleading and skills could still be tested on simulators, stored video loops, or “phantom” models without violating the PCPNDT Act.

26. Lastly, it is submitted that the Ministry of Health & Family Welfare abolished viva voce/practical components in DM/MCh entrances in 2019. Even National Policy (NEET-PG, NEET-SS, FET) stipulates that only MCQ based examinations shall be held.

ANALYSIS AND FINDINGS

27. I have heard the learned counsels for the parties and perused the documents placed on record.

Scope Of Interference In Academic Matters

28. The scope of interference or judicial review of decisions in academic matters is no longer *res integra*. A Coordinate Bench of this Court in *Deepak Suresh Kumar (supra)*, while discussing this scope observed as under:-

“34. The Constitutional Courts, though tasked with the constitutional mandate to safeguard fundamental rights, including the right to education and equality, are equally saddled with a duty to weigh the fundamental rights against the expertise of academic institutions so as to reach a



nuanced approach in striking a balance between judicial oversight and academic autonomy. As a rule of prudence, the courts, while exercising writ jurisdiction for upholding the constitutional principles and fundamental rights, have endeavoured to carefully navigate the underlying separation of powers to avoid subrogation in the areas reserved for domain experts or policymakers. In essence, unless the educational policy suffers from arbitrariness or exhibits a violation of rights or statutory provisions, the judicial intervention has been generally limited to ensuring procedural fairness and adherence to law in academic matters. Put otherwise, a greater amount of deference has been extended towards pure policy decisions and it is not for the court to substitute its own policy in the place of the policy adopted by the Department, except in the circumstances broadly indicated above.

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37. The horizon of interference by the courts in academic matters is well settled and the courts generally restrain themselves from expressing opinions on academic matters, especially on technical aspects of the educational courses which are based on policy decisions, which ought to be best left to the wisdom of the policymakers or the field experts. The Supreme Court in Basavaiah v. H.L. Ramesh⁷, held as under : (SCC p. 382, para 38)



“38. We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of the experts. The courts must realise and appreciate its constraints and limitations in academic matters.”

38. The Supreme Court in another judgment reported as University Grants Commission v. Neha Anil Bobde⁸, has held that in case of academic matters, unless and until there is a clear violation of statutory provisions, the regulations or the notification issued, the courts shall keep their hands off since those issues fall within the domain of the experts.....

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41. A bare perusal of the aforesaid judicial precedents would lead to an inexorable conclusion that courts are not the domain experts to deal with academic matters, rather the powers vest in the expert body to ascertain the bona fide requirements of any course, more importantly, professional courses. It cannot be gainsaid that the dilution of academic



standards, particularly in the case of professional education, is at all impermissible and there exists a self-imposed fetter on courts to not interfere in the decisions concerning the academic matters.”

(Emphasis added)

29. From a conspectus of the aforementioned observations, it is clear that the Court must be slow and reluctant to interfere in education matters as a rule of prudence, but at the same time the Court retains its power of judicial scrutiny when any arbitrary decision is in question. This Court is vested with the duty to protect fundamental and legal rights of the individuals but at the same time at some instances the Courts are required to exercise judicial restraint not as a matter of abdication but as a rule of prudence such as in cases involving policy matters or those requiring subject expertise. The scope of interference or judicial review of decisions in academic matters is well settled.
30. In the present case, the petitioner has alleged arbitrariness in the Stage-II assessment and hence, in the view of the aforesaid, I find it is necessary to examine the nature and justifiability of the actions of the respondent Nos. 1 and 2 in the light of peculiar facts of the case.

Deviation From The Prospectus In Stage-II Assessment

31. In my considered opinion, the first and foremost question that requires to be answered, with which the entire controversy can be addressed is whether the respondent Nos. 1 and 2 deviated from the Prospectus of the MFM Fellowship under Stage-II assessment. To appreciate the said issue, I have carefully gone through the Prospectus. The most



relevant clause in the present matter is Clause No. 5 namely “Procedure to be followed for selections for Fellowship Programme” (reproduced above), under Section III namely “Fellowship Programme”.

32. A perusal of the same shows that only the candidates who secured 50% in Stage-I written test, will go to Stage-II assessment. Since, there is only 1 seat in MFM Fellowship at respondent No. 1, only 3 candidates qualified for Stage-II assessment those being the petitioner, the respondent No. 3 and one Dr. Rupaka Gauri Lakshmi and these three appeared in Stage-II assessment. These facts are undisputed.
33. As per the Clause No. 5 of the Prospectus, as reproduced above, under “Stage II” it is clearly mentioned “*Out of the candidates who have secured 50% or more marks ... in the written test (Stage-I), candidates 3 times the number of seats advertised will be called for departmental clinical /practical/ lab based assessment (carrying 40 marks).*”
34. The petitioner’s primary contention is that the Prospectus says “*departmental clinical/practical/lab based assessment*”, whereas what was conducted was a CV and PowerPoint Presentation based interview. At this point it is crucial to refer to precedents which have dealt with such situations of sanctity of selection process when Prospectus or brochure have been deviated. A Division Bench of this Court in *Varun Kumar Agarwal (supra)*, while dealing with a very similar issue observed numerous judgments in this regards and held as under:-



“14. Presently we shall refer to certain authorities in the field that have dealt with sanctity of a prospectus or brochure and the legal impact when it is changed in the midstream. In Dr. M. Vannila v. Tamil Nadu Public Services Commission, 2007 (3) CTC 69, a Division Bench of the High Court of Madras has opined thus:

“19. The principle that the prospectus is binding on all persons concerned has been laid by the Supreme Court in Punjab Engineering College, Chandigarh v. Sanjay Gulati, (AIR 1983 SC 580 = 1983 (96) LW 172 S.N.)..... It is clear that the prospectus is a piece of information and it is binding on the candidates as well as on the State including the machinery appointed by it for identifying the candidates for selection and admission.”

[Underlining is ours]

15. In *Indu Gupta v. Director Sports, Punjab*, AIR 1999 P&H 319 (FB), the Full Bench in paragraphs 9, 10 and 11 has expressed thus:

“9. A Full Bench of this Court in the case of *Raj Singh v. Maharshi Dayanand University*, (1994) 4 Recent Services Judgments, 289 disapproved the liberal construction of the terms and conditions of the brochure and specified the need for their strict adherence to avoid unnecessary prejudice to the candidate or the authority during the course of admission.



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11. The cumulative effect of the above well enunciated principles of law, is that the terms and conditions of the brochure where they used preemptory language cannot be held to be merely declaratory. They have to be and must necessarily to be treated as mandatory. Their compliance would be essential otherwise the basic principle of fairness in such highly competitive entrance examinations would stand frustrated. Vesting of discretion in an individual in such matters, to waive or dilute the stipulated conditions of the brochure would per se introduce the element of discrimination, arbitrariness and unfairness. Such unrestricted discretion in contravention to the terms of the brochure would decimate the very intent behind the terms and conditions of the brochure, more particularly, where the cut off date itself has been provided in the brochure. The brochure has the force of law. Submission of applications complete in all respects is a sine qua non to the valid acceptance and consideration of an application for allotment of seats in accordance with the terms prescribed in the brochure.

[Emphasis added]

16. We have referred to the aforesaid decisions only to highlight that the conditions stipulated in the prospectus are guidelines for all concerned and everyone is required to



follow the same in letter and spirit and not act in transgression. The hopes and aspirations of the students, who came within the zone of merit, cannot be scuttled by changing the prospectus by way of introducing a corrigendum. A change in the conditions of the prospectus can be conceived of and allowed if such power is specifically reserved while making the prospectus public as in that case, no one can think of having a right. In that event, the same could be capable of change. In the case at hand, in the absence of a power reserved in the prospectus, in our considered opinion, the same could not have been altered by way of corrigendum. It is interesting to note that by issuing a corrigendum, the scenario of results changed because further results were published and more candidates were called. This, according to us, is nothing but an accommodation. The AIIMS may have been conferred the privilege of institutional preference, but that would not enable AIIMS to change the prospectus in the manner it has been done. Thus, the action of the AIIMS on this score is vitiated and despite the laboured attempt by the learned counsel for the AIIMS, we cannot give the stamp of approval to the action of the institution.”

(Emphasis added)

35. A perusal of the paragraphs, reproduced above, clearly lays down that unless specifically advertised while making the Prospectus public, the



institution does not have the right or the power to change the Prospectus guidelines later and everyone, student and authority, are bound by it alike.

36. Coming to the peculiar situation of the present case, without commenting on which assessment type among the two i.e., departmental clinical /practical/ lab based assessment or Online interview/viva voce, is a better way to assess the candidates for MFM Fellowship, the issue before me is whether respondent Nos. 1 and 2 deviated from the Prospectus while conducting Stage-II assessment which clearly mentioned “*departmental clinical /practical/ lab based assessment*”.
37. In my considered opinion, by no stretch of imagination can I say that an Online interview/viva voce was not a deviation from what was stated in the Prospectus i.e., “*departmental clinical /practical/ lab based assessment*”. Upon reading the words “*departmental clinical /practical/ lab based assessment*” any prudent/ normal person would imagine that the assessment would be a physical assessment at a laboratory assessing the candidates’ departmental and clinical skills and knowledge. By mentioning word “practical” the Prospectus rules out any possibility of Online Assessment especially an interview based on CV and PowerPoint Presentation. Additionally, the word “clinical/practical/lab” based assessment clearly shows the said test have to be in a laboratory and based upon candidates’ practical, departmental, clinical knowledge. Hence, in view of the aforesaid, the Stage-II Online Interview based assessment is found foul of the



Prospectus and despite the attempts of the learned counsel for the respondents, I do not agree with the actions of the respondent No. 1.

38. The respondent Nos. 1 and 2 were very much within their right to conduct Stage-II assessment through CV and PowerPoint Presentation through an online mode. However, the same should have been clearly so mentioned in the Prospectus. However, having mentioned that the Stage-II assessment would be a “*departmental clinical /practical/ lab based assessment*”, the respondent Nos. 1 and 2 could not have altered the evaluation criteria and evaluated the candidates on articles, case reports, books chapter, awards, etc. The same to mind is clearly a deviation from the terms of the Prospectus. At this juncture, it is important to note that I have neither opined nor competent to state which of the evaluation method is more comprehensive/objective.
39. Since I have already held that the respondent Nos. 1 and 2 have deviated from the Prospectus, the issue of giving subjective weightage to interview of 40% is not relevant for the purpose of adjudicating the present writ petition and hence, reliance on *Ajay Hasia (supra)* and *Ashok Kumar Yadav (supra)* by the learned counsel for the petitioner has not been dealt with. The question remains open to be adjudicated in appropriate case.
40. Further, the learned counsel for the respondent Nos. 1 and 2 have placed reliance on *Secy. (Health) Deptt. of Health & F.W (supra)* and *Lila Dhar (supra)*, to contend that CVs are assessed to evaluate cumulative work done by the candidates over the course of their careers. However, the said both judgements are distinguishable on



facts. In *Secy. (Health) Deptt. of Health & F.W (supra)*, the controversy was around posts of Dental Officer, wherein the advertisement stipulated preference for higher dental qualification and in *Lila Dhar (supra)*, the issue was around mode of selection for public service. In both the said cases there was no deviation specifically from Prospectus for selection.

Petitioner's Participation In The Stage-II Online Interview

41. Moving on to the next question i.e., whether after participating in the Stage-II assessment even though it was not in terms with the Prospectus and waiting until the results were out, can the petitioner after declaration of result challenge the validity of the Stage-II assessment. Irrespective of the findings on whether or not respondent Nos. 1 and 2 deviated from the Prospectus for MFM Fellowship under Stage-II assessment, it cannot be ignored that the petitioner since 13.12.2025 i.e., when she received the email for Stage-II assessment interview link, knew that Stage-II assessment will be based on her PowerPoint Presentation and CV. The said email clearly mentioned that the petitioner was required to submit a PowerPoint Presentation which shows her “qualifications, publications, awards and any other significant achievements” and a CV with the same details by next day i.e., 14.12.2025. The said email is extracted below:-



2026:DHC:1783



ANNEXURE P2

Rishabh Jain <rishabhrke@gmail.com>

Fwd: NT : Assessment link for interview on 16.12.25

1 message

Oishika Chakraborty <oishika.chakraborty@gmail.com>
To: Rishabh Jain <Rishabhrke@gmail.com>

Mon, Dec 22, 2025 at 10:29 PM

----- Forwarded message -----

From: Oishika Chakraborty <oishika.chakraborty@gmail.com>
Date: Sat, 13 Dec 2025 at 3:05 PM
Subject: Re: NT : Assessment link for interview on 16.12.25
To: Richa Vatsa <dr.richavatsa@gmail.com>

Dear Ma'am,
Received the email and acknowledged the same.
Phone number: 9958170548.
Best Regards,
Dr Oishika Chakraborty

On Sat, 13 Dec 2025 at 11:27, Richa Vatsa <dr.richavatsa@gmail.com> wrote:

Dear candidate,

You must have received the Google meet link for the interview from the exam portal for departmental assessment on 16.12.25 (Tuesday) at 2.45 pm.

Please keep your laptop and phone handy. Please log in with your laptop.

Please make a short powerpoint presentation for the assessment in 5-6 slides including your qualifications, publications, awards and any other significant achievements and a CV with the above details and share by tomorrow (Sunday).

Please contact the undersigned for any query.

Please acknowledge the receipt of this email.

Please also send your valid phone number to us for communication.

Best wishes!

Dr Richa Vatsa
M.D., M.R.C.O.G.
Associate Professor
Department of Obstetrics and Gynaecology



42. Further, the result of Stage-I was declared *vide* notification dated 08.12.2025, wherein it was stated that “the following candidates who appeared in the Entrance Examination held on Saturday, the 29th November, 2025 for fellowship programme and have qualified for Stage-II are required to appear for Departmental Clinical/Practical/Lab Based Assessment through video conferencing mode only.” This shows that since the said notification dated 08.12.2025, the petitioner knew that Stage-II assessment would be online based and later *vide* email dated 13.12.2025, the petitioner knew what was expected in Stage-II assessment and hence, prepared the required PowerPoint Presentation and CV (attached as Annexure P-5 and P-4, respectively, with the present petition). Hence, irrespective of what was mentioned in Prospectus for MFM Fellowship, the petitioner had the same opportunity and time, as the other two candidates, to prepare for the Stage-II assessment.
43. In this regards, the Hon’ble Supreme Court in *Dhananjay Malik (supra)*, while referring to *Madan Lal (supra)*, held that once an individual participated in the interview process without any demur, he/she is later estopped from complaining that the selection process was not in accordance with the Rules and should challenge the selection process without participating in it. The relevant paragraphs from the said judgement reads as under:-
- “8. In *Madan Lal v. State of J&K* [(1995) 3 SCC 486 : 1995 SCC (L&S) 712 : (1995) 29 ATC 603] this Court pointed out that when the petitioners appeared at the oral interview



conducted by the members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned, the petitioners took a chance to get themselves selected at the said oral interview. Therefore, only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed writ petitions. This Court further pointed out that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted.

9. In the present case, as already pointed out, the respondent-writ petitioners herein participated in the selection process without any demur; they are estopped from complaining that the selection process was not in accordance with the Rules. If they think that the advertisement and selection process were not in accordance with the Rules they could have challenged the advertisement and selection process without participating in the selection process. This has not been done.”

(Emphasis added)

44. But I am also mindful of the fact that the result of Stage-I was announced on 08.12.2025, thereafter the petitioner received the email



for Stage-II interview on 13.12.2025, which was conducted on 16.12.2025. The petitioner hardly had a week since declaration of Stage-I result till the Stage-II assessment. Any student/ candidate in such short span of time would prioritise preparing for whatever assessment is about to come his/her way instead of coming to Court or even raising grievances on the institution's portal and wait for response. Hence, I do not agree with the contention raised by the respondents that if the petitioner thought that the Online Assessment amounted to deviation from Prospectus, she should have raised issue the moment notification dated 08.12.2025 was issued or when she received the email dated 13.12.2025.

45. In *Meeta Sahai v. State of Bihar, (2019) 20 SCC 17*, while dealing with a similar issue i.e., whether having partaken in the selection process can the appellant therein later challenge it due to mere failure in selection, the Hon'ble Supreme Court observed as under:-

“16. It is well settled that the principle of estoppel prevents a candidate from challenging the selection process after having failed in it as iterated by this Court in a plethora of judgments including Manish Kumar Shahi v. State of Bihar

The underlying objective of this principle is to prevent candidates from trying another shot at consideration, and to avoid an impasse wherein every disgruntled candidate, having failed the selection, challenges it in the hope of getting a second chance.



17. However, we must differentiate from this principle insofar as the candidate by agreeing to participate in the selection process only accepts the prescribed procedure and not the illegality in it. In a situation where a candidate alleges misconstruction of statutory rules and discriminating consequences arising therefrom, the same cannot be condoned merely because a candidate has partaken in it. The constitutional scheme is sacrosanct and its violation in any manner is impermissible. In fact, a candidate may not have locus to assail the incurable illegality or derogation of the provisions of the Constitution, unless he/she participates in the selection process.”

(Emphasis added)

46. From a perusal of the paragraphs, reproduced above, what emerges is that when the challenge is to the very basis on which the selection took place, there is no estoppel against challenging it, even after the petitioner having participated in the process, as it is possible for the candidates to challenge the selection after having participated in it. The ratio laid down in *Meeta Sahai (supra)* squarely applies to the facts of the present case. The petitioner would not have been in the position to challenge the deviation from the Prospectus by respondent Nos. 1 and 2, had she not participated in the Stage-II assessment. Without participating in the Stage-II assessment she would have never know what actually took place in the Stage-II online based assessment. Therefore, in the present case, the technicality of estoppel



would not be impediment for granting relief to the petitioner.

47. Additionally, the learned counsel for the respondent Nos. 1 and 2 has relied on *Anupal Singh (supra)* and *Ramesh Chandra Shah (supra)* in furtherance of his contention that having participated in the Stage-II online based assessment the petitioner cannot later challenge the same. However, in *Anupal Singh (supra)*, the revised notification despite which the respondents therein participated in the interview was regarding modification/revision in number of vacancies in different categories and did not change the rules of the game after the selection process has commenced. Additionally, the revised notification did not affect the selection process by changing the eligibility criteria. (**Refer: *Anupal Singh (supra)* paragraph No. 55**). In the present case, the respondent Nos. 1 and 2 changed the nature of the assessment from what was provided in the Prospectus. Even, in *Ramesh Chandra Shah (supra)* the Hon'ble Supreme Court held that the respondents participated in the recruitment process with full knowledge that the recruitment was made under the General rules and had waived their right to question the advertisement or the methodology adopted by the Board. In the present case, the deviation is from the Prospectus detailing the selection process.

Allegations of Favouritism Against Respondent No. 3

48. Additionally, the allegations of favouritism raised by the petitioner are unfounded as nothing has been shown to conclude that the conduct of respondent Nos. 1 and 2 was of favouritism towards respondent No. 3. Respondent No.1 is an institution of great repute and the Stage-II



assessment was conducted by a board of highly respected Doctors of this Country. Further, even assuming that the Stage-II assessment was flawed, the fact remains that all the three candidates who qualified Stage-I assessment and went to Stage-II assessment, participated in the same Stage-II assessment. The breakdown of marks in Stage-II assessment clearly shows that all the three candidates were marked against same criteria which includes publications, awards, etc. As per the result of Stage-II assessment of all three candidates, as reproduced above, the petitioner secured the lowest marks and the respondent No. 3 the highest and only after combining marks of both stages the respondent No. 3 emerged as the successful candidate.

PCPNDT Act

49. The learned counsel for the petitioner contends that as per the NBE curriculum for FNB Maternal & Fetal Medicine “ultrasound” is listed as “MUST KNOWN” skill across modules. For instance under “Module 2: Antenatal Complications”, Ultrasonography is listed under “Competencies / Skills” and under “Module 5: Fetal Medicine”, competence in skills (i) to (viii), requires first-trimester screening, detailed mid-trimester anomaly scans, and fetal doppler. It is further submitted that even though PCPNDT Act prohibits misuse of ultrasound techniques but such techniques are conducted for academic and teaching activities in controlled settings and also, candidates’ skills could be tested on simulators, stored video loops, or “phantom” models without violating the PCPNDT Act.
50. Undisputedly, the PCPNDT Act regulates use of prenatal diagnostic



techniques. Even the learned counsel for the respondent Nos. 1 and 2 fails to bring forward any clause from the PCPNDT Act or case law wherein ultrasound or alike techniques could not be used in assessments for entrance. The learned counsel for the respondent Nos. 1 and 2 states the Section 4 of PCPNDT Act prohibits clinical practical lab based assessment. On going through Section 4 of PCPNDT Act, to my mind there is no such prohibition. Only determination of sex under Section 6 of PCPNDT Act is barred and nothing else. However, I need not delve any further into this issue, as I have already held that the Stage-II interview-based assessment was contrary to the Prospectus.

51. Additionally, Mr. Varma, learned counsel for the respondent Nos. 1 and 2, states that the laboratory assessment was impractical in view of the PCPNDT Act. The PCPNDT Act is of the year 1994 (amended from time to time) and the Prospectus came in the year 2025 for January 2026 session. The respondent Nos. 1 and 2 are neither expected nor would be conducting any laboratory assessment barred under the provisions of PCPNDT Act.

CONCLUSION

52. In view of the aforesaid findings, the petition is allowed only because I am of the view that there is a disparity in what was stated in the Prospectus and the way in which Stage-II assessment was done, which was contrary to the said Prospectus.
53. Consequently, the Stage-II result declared on 22.12.2025 with respect to “70. Obstetrics & Gynaecology - Maternal Fetal Medicine (MFM)”



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is hereby cancelled and respondent Nos. 1 and 2 are free to reconduct the Stage-II assessment as per the Prospectus.

54. Interim stay granted *vide* order dated 31.12.2025 shall continue till the respondent Nos. 1 and 2 reconduct the Stage-II assessment.
55. The Written Submissions on behalf of the petitioner and Brief Note on behalf of respondent Nos. 1 and 2 handed over in the Court are taken on record.
56. The present petition is allowed and disposed of in aforesaid terms. Subject to the above, pending applications, if any, are also disposed of.

JASMEET SINGH, J

FEBRUARY 27, 2026 / (HG)