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

% Date of Decision: 26.05.2020

\+ **W.P.(C) 3005/2020**

DR. DIVYESH J. PATHAK AND ORS. ..... Petitioners
Through: Mr. Sahil Tagotra, Advocate

versus

NATIONAL BOARD OF EXAMINATIONS AND ANR.
..... Respondents
Through: Ms. Maninder Acharya, ASG with Mr. Kirtiman Singh, Standing Counsel and Mr. Waize Ali Noor, Mr. Rohan Anand, Advocates for R-1/NBE.
Ms. Maninder Acharya, ASG with Mr. Anurag Ahluwalia, CGSC and Mr. Abhigyan Siddhant, Mr. Viplav Acharya, Advocates for R-2/UOI.

CORAM:
HON'BLE MS. JUSTICE ASHA MENON

ASHA MENON, J.

1. The petitioners are resident doctors pursuing their third/final year of the Diplomate of National Board (for short, 'DNB') from various hospitals and institutions across the country. The National Board of Examinations (for short, 'NBE'), the respondent No.1 herein, is an autonomous body under the Ministry of Health and Family Welfare, Government of India, established in 1975 to standardize and regulate post-graduate medical education and examination in India.

NBE/respondent No.1 conducts competitive examinations for admission to various super-speciality and fellowship courses offered by it through various NBE accredited institutions throughout India. The Union of India through Ministry of Health and Family Welfare is the respondent No.2.

2. On 04.04.2020, NBE/respondent No.1 issued a 'Public Notice' whereby the training period of all the DNB students, whose tenures were to end between 01.04.2020 and 30.06.2020 (both days inclusive), was extended by a period of six weeks and until further notice. Aggrieved thereby, the petitioners have filed the present petition with *inter alia* the following prayers:

> *"a. Issue a writ or direction in the nature of certiorari and / or mandamus or any other writ or order or direction thereby quashing the Impugned Public Notice dated 04.04.2020 issued by the NBE;*
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> *b. Issue a writ or direction in the nature of certiorari and / or mandamus or any other writ or order or direction thereby quashing the communications/orders/ directions issued by the NBE accredited institutions in pursuance of the Impugned Public Notice dated 04.04.2020 issued by the NBE;*
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> *c. Issue a writ or direction in the nature of mandamus or any other writ or order or direction, to direct the NBE to handover training completion certificates to the Petitioners on the original dates of their completion of training; and*

d. Pass such further orders as it may deem fit in the facts and circumstances of the instant case."

3. Mr. Sahil Tagotra, learned counsel for the petitioners submitted that the Public Notice issued by NBE/respondent No.1 was unenforceable and was liable to be struck down for various reasons, as set out in the petition. According to him, NBE/respondent No.1 had no powers vested in it to vary the training period of the petitioners. Further, there was discrimination between the first year and second year trainee doctors and the final year trainee doctors, such as the petitioners herein, inasmuch as the training period has been extended only for the latter. Learned counsel submitted that the petitioners had joined the DNB course as per the Information Bulletin published in the year 2017 and the training period could be extended only when a candidate made a specific request to NBE/respondent No.1 due to medical or other unavoidable circumstances. The training of the petitioners would have ended on different dates starting from 01.04.2020 till 30.06.2020 and the training period could not have been extended by six weeks thereafter in the absence of any power vested with NBE/respondent No.1 to do so. Moreover, the Public Notice issued on 04.04.2020 could have no retrospective effect as some of the petitioners had completed their training before it was issued, i.e. on 1st, 2nd and 3rd April, 2020.

4. According to Mr. Tagotra, learned counsel, it was unfair on the petitioners that their professional careers were compromised by the arbitrary action of NBE/respondent No.1 as some of the petitioners

had already been offered employment at different hospitals and because of the extension of the training period, they were now unable to join those hospitals. The learned counsel also pointed out that the Public Notice suffers from the vice of uncertainty, as not only was the training period extended by six weeks, but also *"until further notice"*, which left it open ended.

5. Mr. Tagotra, learned counsel, also argued that the explanation offered by NBE/respondent No.1 that it was done owing to the prevalent extraordinary situation on account of the Covid-19 pandemic, was a sham explanation, as the petitioners were trainees for super-speciality and the government had not directed the closure of these departments in the hospitals and therefore, it was improper to say that the training of the petitioners was being adversely affected by the Covid-19 pandemic. Moreover, the Medical Council of India (for short, 'MCI') had itself exempted the doctors in their super-speciality training programmes, including the D.M. and M.Ch. from Covid-19 duties and there was no reason why the training of the petitioners was required to be extended. At the same time, learned counsel submitted that the petitioners were ever willing to do their best and contribute to the urgent and pressing needs of the health services, but also pointed out that the proper method would have been to seek the willingness of the petitioners and then to employ them as Senior Resident Doctors and give them the salary of the Senior Resident Doctors instead of the stipend being paid to the trainee doctors. An alternate submission of the learned counsel was that the super-speciality doctors may be

excluded from the Public Notice as they formed only a miniscule number i.e. 179 out of 3400 DNB trainees, who are covered by the impugned Public Notice and that the effect of the Public Notice be limited to the date when the lockdown is eased.

6. Ms. Maninder Acharya, learned Additional Solicitor General has advanced submissions on behalf of NBE/respondent No.1 as well as Union of India/respondent No.2. At the outset, she submitted that the present crisis was of an extreme kind resulting in grave strain on public health services and the extension of training was justified in public interest in that, due to the disturbance caused by the Covid-19 pandemic, fresh infusion of DNB candidates was not possible as the entrance exam cannot be held and if the final year DNB students are allowed to leave, it would have resulted in an exodus with no infusion, leading to a vacuum, which would have adversely impacted the public health system. Therefore, in public interest, the extension of training was fully justified. Learned ASG further pointed out that due to Covid-19 pandemic, hospitals have had to concentrate on treating patients suffering from Covid-19. Consequently, though all departments had not been closed down, the OPDs have not been functional and various speciality departments were also working on a low scale. Therefore, NBE/respondent No.1 has decided that training was being impacted adversely and it is in the interest of the medical profession that the training be extended.

7. As regards the powers vested with NBE/respondent No.1 to vary the training period, learned ASG submitted that the Information

Bulletin published yearly by NBE/respondent No.1 preceding entrance exams declared its policy and being its author, NBE/respondent No.1 was fully empowered to vary its contents and it had explicitly reserved the powers to do so in the Information Bulletins published by it. Learned ASG also submitted that there can be no promissory estoppel claimed in matters relating to education. The impugned Public Notice was not discriminatory as unlike the first and second year NBE students, the final year students would leave the hospitals once their training is completed and they are issued the 'Certificate of Training'. Moreover, the final year students are much more skilled than the first year and second year students and therefore, they were all of different categories and there was no discrimination.

8. Learned ASG also relied on several judgments of the Supreme Court, Delhi High Court and the Bombay High Court in support of her contentions that the court should be reluctant to interfere in education and academic matters, which are also subject matters where the doctrines of legitimate expectation and promissory estoppel are not applicable. These decisions are: Ashwin Prafulla Pimpalwar v. State of Maharashtra, **1991 SCC OnLine Bom 384;** National Board of Examinations vs. G. Anand Ramamurthy and Others, **2006 (5) SCC 515;** Shilpa Garg v. National Board of Examination (DNB) and Ors., **2008 (105) DRJ 70;** Dr. Shikha Aggarwal v. Union of India & Anr., **2011 SCC OnLine Del 3538;** Dr. Priti Ranjan Sinha and Anr. v. National Board of Exam and Anr., **2012 SCC OnLine Del 562;** PRP Exports and Others v. Chief Secretary, Government of Tamilnadu and

Others, **(2014) 13 SCC 692** and Dr. Rajat Duhan and Others v. All India Institute of Medical Sciences and Others, **2019 SCC OnLine Del 11437**. Except for one, all the cited cases relate to medical education and in most of them, the NBE was a party.

9. I have heard Mr. Sahil Tagotra, learned counsel for the petitioners and Ms. Maninder Acharya, learned ASG and I have considered the material on record including the cited judgments.

10. Before proceeding further, it may be useful to re-produce the impugned Public Notice dated 04.04.2020 (Annexure P-1), which reads as under:

"NATIONAL BOARD OF EXAMINATIONS
NEW DELHI

Dated: 04.04.2020

Public Notice

Sub: Extension of Training of candidates ending between 01/04/2020 -30/06/2020, impacted due to the current COVID-19 Crisis and Lockdown.

- *In view of the COVID-19 pandemic and the lockdown, training of DNB/FNB residents has been adversely impacted in the entire country.*
- *Therefore, it has been decided to extend the period of training of all DNB/ FNB students whose tenures are ending between 01/04/2020 and 30/06/2020 (both days inclusive) in all the specialties, by a period of 6 weeks and until further notice.*
- *This extension being done under special*

circumstances would not interfere with the eligibility of the candidates to appear in their respective exit examinations and the candidates shall be paid stipend by the hospital for this period as per NBE stipend guidelines.

- *The cut-off date for training completion for candidates for the purpose of determination of eligibility for DNB Final Examination Dec 2019 stands modified to 11th August 2020.*

NBE"

11. A bare perusal of this Public Notice dated 04.04.2020 reveals that the same has been issued in view of the *"Covid-19 pandemic and the lockdown",* clearly indicating the extraordinary circumstances in which NBE/respondent No.1 has taken this decision of extending the training period of all trainees whose tenures were ending between 01.04.2020 and 30.06.2020, by a period of six weeks and until further notice.

12. The argument of the learned counsel for the petitioners that as the Public Notice did not spell out in detail that the extension was necessitated on account of the strain on the health services, NBE/respondent No.1 could not now offer such an explanation, does not impress the court. What is known to the world at large as constituting *"special circumstances",* particularly to doctors working in the hospitals, even as DNB trainees, did not need spelling out in the Public Notice. It is common knowledge, particularly of the petitioners. It is also known to the petitioners that the PG/DNB entrance exam for the fresh session commencing from this year has not been conducted

along with several other competitive exams. This would clearly result in a crunch in the number of doctors available in the hospitals. There is thus no merit in this argument.

13. To quote from the Information Bulletin annexed to the affidavit filed by it, NBE/respondent No.1 was established in 1975 with the objective of improving the quality of post-graduate medical education in India. The aim was to establish high and uniform standards of medical post-graduate examinations throughout the country. This was necessitated because of the varying standards of post-graduate education offered by many medical institutions across India and despite the MCI also laying down standards in this regard. The NBE/respondent No.1 provides through its examinations a common standard and mechanism of evaluation of the minimum level of attainment of the knowledge and competencies for which post-graduate degree courses were started in medical institutions.

14. It is thus clear, that NBE/respondent No.1 is the policy making body/Governing body as far as post-graduate medical education is concerned. It is independent of the MCI and it cannot be contended, as has been done by the learned counsel for the petitioners, that the NBE/respondent No.1 is to be governed by the advisories of the MCI. Therefore, just because the MCI has exempted their D.M. and M.Ch. trainees from detention for extended training, the NBE/respondent No.1 is not bound to follow suit to similarly exempt the DNB trainees who are in super-speciality. Since both bodies are independent and autonomous, neither can be made bound by policy decisions taken by

the other. Arguments to the contrary are fallacious.

15. Proceeding further, it is to be noted that if NBE/respondent No.1 is to provide standardization not only of education and training to be imparted, but also evaluate the minimum level of attainment to be achieved by these trainees at the end of the training programmes, it is clear as crystal that NBE/respondent No.1 is vested with the power to provide for situations requiring variation in the duration and content of its training programmes and the method of evaluation of accomplishments of the trainees. Lest the very purpose of setting it up could be defeated - as the absence of power to execute its objectives would nullify the very existence of NBE/respondent No.1. If we proceed on the assumption that NBE/respondent No.1 could not provide for the duration and content of its programmes and could also not provide for evaluation, a question mark would be placed straightaway on the very first Information Bulletin as having been issued without any power or authority and such an interpretation would lead to unacceptable results. Moreover, there can be no blanket embargo on modification of Information Bulletins with regard to their contents. In Rajat Duhan (supra), it was observed by the Division Bench of this court (of which I was a part) as under:

> *"17. The learned Single Judge has rightly held that the principle of promissory estoppel is inapplicable to academic pursuits. Otherwise, it would mean that the admission criteria, once declared, would remain an absolute rule and prospectuses would become un-amendable, precluding institutions from aiming at a*

higher scholastic and academic excellence. Institutions are built over a period of time and if a particular institution has worked hard enough to provide exclusive academic opportunities to the students studying there, with a reasonable expectation that the students would be able to meet those standards for the courses provided, it could never be that the initial eligibility criteria could never be modified down the line, to make the entry more stringent so as to take the best into its portals. Such a situation cannot be allowed."

16. Though the learned counsel for the petitioners did argue that the petitioners were subject to the declaration in the Information Bulletin and the Handbook (Annexure P-2 of the petition) that their training period would be completed in three years and latest by the 30th June of 2020, and that they could not be prejudiced by extension of the training by six weeks and more, with the cut-off date also extended to 11-08-2020, in the light of the law as settled in a plethora of cases, that the doctrine of legitimate expectation and the doctrine of promissory estoppel are not applicable to education, the argument has no force.

17. While answering the question framed by it as to whether the doctrine of promissory estoppel was applicable to admissions to post-graduate courses in medical colleges, a Three Judge Bench of the Bombay High Court observed in Ashwin Prafulla Pimpalwar (supra) as under:

"28. It is, however, to be noticed that before the operation of the doctrine of estoppel/promissory estoppel, the essential conditions will have to be satisfied. One of

the essential requirements is that 'one party by his word or conduct made to the other makes a clear and unequivocal promise or representation which is intended to create legal relations or effect a legal relationship to arise in the future… having regard to the dealings which have taken place between the parties'. Effecting an export after elaborate organisational arrangements made in that behalf in an Export Promotion Scheme, or setting up a factory on the basis of assurance of exemption from levy of octroi or sales tax and like, are some such examples. The course of dealings constituting the representation unequivocally made in exercise of statutory or executive powers and the alteration of the position acting on the faith of such representation is clearly established in such cases."

It was held that it was difficult for such conditions to exist in relation to medical education. It also found it difficult to accept as a broad proposition that no change in the prospectus for admission to medical education could be made to the prejudice of an aspirant as these decisions are taken on the basis of several factors which cannot be predicted. It was also held that no student who entered an educational institution had a vested right to prepare for and write the succeeding higher examinations on the basis of the prevalent rules/directions and to claim advantage and benefits arising therefrom.

18. Thus it concluded:

"40. In the light of the above discussion, we have no hesitation to hold that the doctrine of promissory estoppel would not have application in relation to

admissions to post-graduate courses for higher specialized studies in Medical Colleges run by or under the control of Government."

19. In any case, the Information Bulletin itself provides for the power to vary the terms and conditions set out therein. It would be incorrect to limit this power, as sought by the learned counsel for the petitioners, to the mere conduct of the admission process or the conduct of the term examinations. The Information Bulletin published by NBE/respondent No.1 for the 2017 session, governs the entire gamut of higher medical education starting from registration for appearing in the DNB-CETSS examination, to the eligibility criteria for counselling, to the selection of candidates, joining of the course, the fees payable, the leave rules, including maternity and medical leaves and extension of the training period and other miscellaneous information.

20. The Supreme Court in G. Anand Ramamurthy (supra), had, while discussing the powers of the NBE to modify the Information Bulletins, observed as follows :

"7. ……. 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 are 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.***

8. ***Likewise, the bare perusal of clause 4 of the Bulletin of Information, June 2006, it manifest 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."*

(emphasis added)

21. The Supreme Court, thus took the view, that having so informed the candidates in advance, the NBE not only had the power to change the exam schedule, but it could also alter the other contents of the Information Bulletin including guidelines and practice as the Governing Body may find necessary. In G. Anand Ramamurthy (supra), the change in exam schedule from bi-annual to annual, though being a major shift from previous practice and occurring before the conclusion of the three year period of the respondent/student's training, was nevertheless, upheld, as being within the powers of the NBE. Thus, the reliance of NBE/respondent No.1, on the Information

Bulletin issued before the conduct of the exams for the year 2017 as the source of its power to modify its contents, is certainly not misplaced, as suggested by the learned counsel for the petitioners. Neither can the power to modify be limited to the mere conduct of the DNB-CETSS and 'exit' exams, and must be recognized as all encompassing to include the power to modify the tenure of the training programmes conducted by NBE/respondent No.1.

22. NBE/respondent No. 1 has listed out in its affidavit, provisions in the Information Bulletin published in 2017, (Annexure R-2) similar to the ones contained in the 2003 and 2006 Information Bulletins as were considered by the Supreme Court and the Delhi High Court, in the cases of G. Anandamurthy (supra) and Shilpa Garg (supra). In the present case too, by way of the Information Bulletin, it had been made absolutely clear to the candidates, that NBE has reserved its right to change the terms and contents of the Bulletin. It would be useful to reproduce the relevant instructions here as under:

> *"2.8. Instructions in the information-bulletin are liable to changes based on decisions taken by the NBE from time to time. There is no equity or any rights that are /or deemed to be arising in favour of candidate.*
>
> *xxx xxx xxx*
>
> *2.11. The existing schedule, pattern, policy and guidelines are for ready reference only but in no way they are or are ought to be treated as representative or acknowledgment of fact that NBE is bound to follow the same in future.*

2.12. In case of any ambiguity in interpretation of any of the instructions/ terms/rules/criteria regarding the determination of eligibility/conduct of examinations / registration of candidates/ information contained herein, the interpretation of the National Board of Examinations will be final and binding."

23. The NBE/respondent No.1 has also relied on the Information Bulletin for the DNB Final examination in which the petitioners are to appear (Annexure R-2 Colly.) to reiterate that NBE/respondent No.1 had the power to change the tenure of the training and re-fix the dates for becoming eligible to take the Final/'exit' exams. The relevant provisions are reproduced below:

"2.16. Instructions in the information-bulletin are liable to change based on decisions taken by the NBE from time to time. For Theory & Practical Examinations, the candidates shall be governed by the Information Bulletin by which they apply for the Theory Examinations.

2.17. NBE reserves its absolute rights to alter the examination schedule, pattern, policy and guidelines at any time during the continuation or after the completion of DNB training (2 or 3 or 5 years/as the case may be). The candidate shall have no right whatsoever for claiming/deriving any right from past or present schedule, policy and guidelines of National Board of Examinations.

2.18. NBE reserves its absolute right to alter, amend, modify or apply any or some of the instructions/ guidelines contained in this information bulletin.

2.19. The existing schedule, pattern, policy and guidelines are for ready reference only but in no

way, they are or are ought to be treated as representative or acknowledgment of fact that NBE is bound to follow the same in future.

2.20. In case of any ambiguity in interpretation of any of the instructions/ terms/ rules/criteria regarding the determination of eligibility/conduct of examinations/ registration of candidates/ information contained herein, the interpretation of the National Board of Examinations shall be final and binding in nature."

24. Interestingly, when faced with Sub-clause 8 of Clause 16 of the DNBCETSS Handbook, filed by the petitioners as Annexure P-2 to their petition, which provides that "*any extension of DNB training for more than two months beyond the scheduled completion date of training is permissible only under extra-ordinary circumstances with prior approval of NBE"*, learned counsel for the petitioners urged that the extension of the training period was possible only when leave had to be taken by a candidate/trainee. However, such an argument is specious. It would also lead to a piquant situation. It cannot be that NBE/respondent No.1 is vested with the powers to extend training programmes only when a candidate applies for such extension, and otherwise it is powerless to do so, as if it is the application of the candidate that invests it with power to grant extension! Also, this Sub-clause recognizes the power of an accredited institution to extend the DNB training for up to "*two months beyond the scheduled completion date*", but any extension beyond two months has to be only with the "*prior approval of NBE*", which is also required to consider the request on merit.

25. It is, therefore, abundantly clear, that NBE/respondent No.1 is vested with supervening powers which include the extension of training period in extraordinary or special circumstances. Thus, the plea that NBE/respondent No.1 has no power to issue the impugned Public Notice is liable to be and is rejected as being devoid of any force.

26. With regard to the plea of discrimination, Article 14 of the Constitution of India prohibits discrimination amongst 'equals'. Clearly, the first year, second year and third year students are not 'equals' as they are at different levels of skills. Moreover, as rightly pointed out by the learned ASG, it is the movement of the final year students from the hospitals that would create a gap in health services. Further, as the first and second year students are still available at the hospitals they shall have the time to continue their training in specialized fields, once the acute and emergent demand on health services eases. That may not be the position if the third year students are allowed to leave with whatever training they have received. Therefore, the Public Notice dated 04.04.2020 is not discriminatory and is based on intelligible differentia and bears nexus to the objects sought to be achieved. The mere inclusion of some trainees whose training got over on 1st, 2nd & 3rd of April, 2020 will not vitiate the Public Notice, as the extension has been made by exercise of powers vested in NBE/respondent No.1.

27. Coming to the submission that the extension of the training period has adversely impacted the professional career/career options of

the petitioners, it needs to be observed that there are certain situations in which the usual parameters of professional advancement cannot be applied. In times of a severe pandemic, doctors cannot seek that a vested personal interest be placed above public interest, as they are the only ones who can take care of patients with their skills and aptitude. Such expectations are not legitimate, even if the principle of legitimate expectation was applicable to education, which it is not.

28. While dealing with the next question framed by it in the case of Ashwin Prafulla Pimpalwar (supra), as to the applicability of the principle of legitimate expectation in medical education, the Three Judge Bench of the Bombay High Court held that expectations had to be legitimate and listed some instances of what could be legitimate expectations, such as a legitimate expectation of consultation aroused due to a promise or established practice; expectation that administration would act fairly and implement its promise unless it interfered with statutory duties; or the expectation that a fair hearing would be accorded; or the expectation that the administration would not change policy decisions whimsically or abuse discretion or disregard statements of intent unfairly and thus against legitimate expectation of the target groups. It concluded as below:

> *"44. Is that principle attracted, having regard to the factual aspects and the circumstances available here? We have indicated earlier, while discussing the doctrine of promissory estoppel, some of the peculiar features of academic pursuits.* ***They are not to be equated with commercial activities or trade dealings, which raise***

questions of immediate and easily eligible profits and other advantages. In particular, prosecuting a postgraduate professional course could not be linked with a narrow and selfish desire for promotion of private interest. *The very concept of a profession is the antithesis of activities of a lesser calibre. Merely because of a promulgation of a particular rule or order by the Government authorities, a student particularly aspiring for a post-graduate degree, and that too in a professional course, cannot with grace or legal force contend that he could have a legitimate expectation in the continuity of that advantage or benefit arising from the order which held the field at particular time despite an overriding or even a reasonable need of change. When viewed from the point of view of the duty of a Government to effect appropriate changes, whether it be in the matter of legislation, pure and simple, or in relation to its executive instructions, if and when circumstances warrant the same, such a restriction would be to make societies stagnant and the Government non-functional."*

(emphasis added)

Today, we are faced with a situation that is unprecedented and with no parallel except for the Spanish Flu epidemic of a hundred years ago. In such conditions, the decision of NBE/respondent No.1 to extend the training of the petitioners can by no stretch be described as *malafide* or perverse. Therefore, this plea of the petitioners, also fails to impress.

29. Since NBE/respondent No.1 is concerned with the standard of training and the attainment of the candidates after such training, it is

fully justified in taking the view that due to the limited operation of all departments, to focus on Covid-19 patients, the training of the petitioners and others, who have/or would have otherwise completed their tenure between 01.04.2020 and 30.06.2020, has been adversely impacted. Such a decision cannot come under judicial review, as that is the decision of a body of experts in the field. Considerations of personal advancement cannot also be the reason to overturn a rational policy decision taken by a body empowered to make that decision.

30. Finally, it would be apposite to conclude in the words of the Division Bench of this court in Ashutosh Bharti and Ors. V. The Ritnand Balved Education Foundation and Ors., **MANU/DE/0024/ 2005** which can be usefully reproduced here as under: -

> *"5.* ***If any step is taken towards better educational method and standard, not only the Court should not come in the way, but must command and encourage it.*** *Those who fail to maintain such standard round the year may lose the very valuable year of the young career, just as they lose if they fail in the examination.* ***Matters of academic judgment are not for the courts to entertain.*** *Better standards are required for learning and it can be only from experiences and different modalities.* ***Educational institutions are the best judges to impose appropriate restrictions and conditions. Merely because the conditions which are imposed may be found inconvenient to some students, it cannot be challenged as being arbitrary."***
>
> ***(emphasis added)***

31. Thus, there is no merit in the objections raised to the Public Notice dated 04.04.2020 by the petitioners. Reiterating with clarity, NBE/respondent No.1 is fully empowered to vary the terms and contents of the Information Bulletins that are issued by it from time to time. The doctrines of promissory estoppel and legitimate expectation are inapplicable to educational/academic matters. The discretion of NBE/respondent No.1 to extend the training programme on account of the extraordinary situation as well as on account of the impact of the Covid-19 pandemic on the standards of training received by the petitioners and others whose tenure would have otherwise concluded between 01.04.2020 and 30.06.2020, is a decision that this Court cannot interfere with as this is the decision of the very body that has been created to regulate the standard of post-graduate medical education and is a decision by the experts in the field. The Public Notice is not discriminatory nor does it suffer from any uncertainty as the extension has been provided for six weeks and till further notice, which clearly is predicated on the intensity of the Covid-19 pandemic, with the eligibility for the examination modified to 11.08.2020 instead of 30.06.2020. Lastly, there is a complete absence of *malafide* in the decision to extend the training period to vitiate the Public Notice.

32. The petition, being meritless, is accordingly dismissed.

(ASHA MENON)
JUDGE

MAY 26, 2020
s/pkb/ak