

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.4836 OF 2011
(Arising out of SLP(C)No.13645 of 2011)

ALL INDIA INST.OF MED.SC.& ANR

.....APPELLANTS

VERSUS

VARUN KUMAR AGARWAL & ORS.

.....RESPONDENTS

O R D E R

Leave granted.

This appeal is directed against order dated 03.03.2011 passed by the Division Bench of the Delhi High Court in Letters Patent Appeal No.599 of 2010.

We have heard learned counsel for the parties and perused the record including two additional affidavits filed on behalf of the appellants.

In our view, ends of justice will be met by modifying paragraph 18 of the judgment under challenge by directing the appellants to allot the seat in Post Graduate in AIIMS in the general category either in Surgery or Gynaecology or Orthopaedics in the next academic session, that is, the academic session beginning from July, 2011 strictly in the order of merits.

The appeal is accordingly disposed of by modifying paragraph 18 of the impugned judgment in the following terms:

"In view of the aforesaid position of law, we are

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inclined to direct the AIIMS authorities to allot the seat in Post Graduate in AIIMS in the general category either in Surgery or Gynaecology or Orthopaedics in the next academic session, that is, the academic session beginning from July, 2011 strictly in the order of merits."

The exercise for filling up the seat in terms of this order shall be undertaken and completed by the concerned authorities within two weeks from today. If no candidate more

