

Date	Proceeding	Remarks
29.05.2019	<p data-bbox="419 286 1185 443">Dr. Hitesh Dilliwal alongwith father Shri H.K. Dilliwal and Shri P.N. Shukla, Advocate present. Respondent by Shri S.K. Mishra.</p> <p data-bbox="515 465 1018 510">Shri Shukla filed a written argument.</p> <p data-bbox="411 533 1185 1238">On close scrutiny, it was found that the appellant Dr. Hitesh Dilliwal earlier filed another appeal before this authority bearing No.49/2019 in which his name appears at serial No.8. This appeal was disposed off by a common order by this authority on 21.5.2019. From the record it is also found that while the earlier appeal No. 49/2019 was pending, the appellant also approached the Hon'ble High Court in writ No. 9108/19 which was disposed off by order dated 7.5.2019. While dismissing the appeal, the Hon'ble High Court granted a liberty to the appellant to approach this authority and file an appeal.</p> <p data-bbox="403 1261 1169 1417">It appears that the appellant had suppressed this fact from the Hon'ble High Court that his appeal No.49/2019 was pending before his authority.</p> <p data-bbox="403 1440 1169 1653">Not only that, the appellant filed this appeal on 8.5.2019 while his earlier appeal was already pending, again suppressing this fact in this appeal from the authority.</p> <p data-bbox="403 1675 1169 1843">Shri Shukla vehemently argued that this appeal is filed because the Medical University was not allowing the appellant to appear in the examination without an</p>	

undertaking. However, there is no such prayer in the appeal to this effect and secondly, giving an undertaking was innocuous. Even if the University was insisting for an undertaking, this authority is not empowered to issue any directions to the university.

In this view of matter, the appellant, it is apparent that, has been misusing the process of court, and therefore, this appeal is dismissed imposing a cost of Rs.15,000/-, payment of which, shall be a condition precedent for declaration of appellant's result/grant of permission to him to appear in the examination, as the case may be. The amount shall be deposited in the account of AFRC. The Secretariat shall take necessary steps to facilitate deposition of the amount.

The Medical University and the Mansarovar College of Dental Surgery, Bhopal be informed about the imposition of the cost and they may be requested to ensure that unless no objection certificate is produced from AFRC, the appellant's result should not be declared/he should not be allowed to appear in the examination, as the case may be.

The appeal stands disposed off.

Sd/-

**(Justice Alok Verma)**  
**Appellate Authority**