IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 4015 of 2026

Awadh Dental College & Hospital having its campus at NH-33, Danga, Bhilaipahari, Jamshedpur, P.O. Bhilaipahari, P.S. Dimna, District- East Singhbhum, Jharkhand, represented through its Authorized Signatory Piyush Kumar Singh, aged about 48 years, son of late Dina Nath Singh, having is office at NH-33, Danga, Bhilaipahari, Jamshedpur, P.O. Bhilaipahari, P.S. Dimna, District- East Singhbhum, Jharkhand

… … Petitioner

Versus

1. State of Jharkhand through its Additional Chief Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand, having office at Nepal House, Doranda, P.O. & P.S-Doranda, District-Ranchi, Jharkhand
2. Joint Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand, having office at Nepal House, Doranda, P.O. & P.S-Doranda, District-Ranchi, Jharkhand
3. Deputy Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand, having office at Nepal House, Doranda, P.O. & P.S-Doranda, District-Ranchi, Jharkhand
4. Jharkhand Combined Entrance Competitive Examination Board through its Examination Controller, having office at Science & Technology Campus. Sirkha Toli, Namkom-Tupudana Road, Namkom, P.O. and P.S. Namkom, District- Ranchi, Jharkhand
5. National Dental Commission (earlier Dental Council of India) through its Chairperson, having office at Plot No. 14, Sector-9, R.K. Puram, New Delhi, P.O. and P.S. R.K. Puram, District- New Delhi

… … Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner: Mr. Sumeet Gadodia, Advocate
Mr. Kumar Vaibhav, Advocate
Mr. Anish Lal, Advocate
Mr. Ritesh Kumar Gupta, Advocate

For the Respondent-State : Mr. Achyut Keshav,Sr. AAG
Mr. Baibhaw Gahlaut, AC to Sr. AAG
Mr. Shubham Gautam, AC to Sr. AAG

For the Respondent-JCECEB : Mr. Anoop Kumar Mehta, Advocate
Mr. Shubham Malviya, Advocate

For the Respondent No.5: Mr. Anil Kumar Sinha, Advocate, through V.C.
Mr. Vishnu Kumar, Advocate

O R D E R

Reserved on 05.08.2026 **Pronounced on: 13.08.2026**

By way of filing this writ petition, the petitioner has sought for the following reliefs: -

i. For issuance of appropriate writ, order or direction for quashing the order contained in memo no. 146(8) dated 22.05.2026 whereby the Essentiality Certificate granted to the Petitioner vide letter no. 08(10) dated 19.01.2018 has been cancelled from the next academic year (Annexure-18 hereto);

ii. Upon quashing the aforesaid order dated 22.05.2026, for issuance of further writ in the nature of declaration that the admissions on 68 seats taken by the Petitioner college for the academic session 2025-2026 is as per law and there is no illegality whatsoever in the same;

iii. For issuance of appropriate writ, order or direction upon the Respondents restraining them from interfering in any manner with the admissions taken by the Petitioner college for the academic session 2025-2026;

iv. For issuance of appropriate writ, order or direction upon the Respondents restraining them from interfering in any manner with the admissions to the seats in the Petitioner college for the subsequent academic session 2026-2027 and onwards;

v. During the pendency of the instant writ petition, for an appropriate interim/ ad-interim order staying the operation, implementation and execution of the impugned order dated 22.05.2206 and further interim/ ad-interim order restraining the Respondents from interfering in any manner with the admissions taken by the Petitioner college for the academic session 2025-2026.

FACTUAL MATRIX

2. The petitioner, Awadh Dental College & Hospital, managed by Manglawati Sewa Sadan Trust, is a dental college established after obtaining an Essentiality Certificate dated 23.08.2004 from the State Government under

the Dentists Act, 1948 and the Dental Council of India (Establishment of New Dental College, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity in Dental Collges) Regulations, 2006. Pursuant thereto, the Central Government granted permission for establishment of the college in 2007, and the petitioner was permitted to commence the B.D.S. course with 50 seats, which was subsequently enhanced to 100 seats. Thereafter, the petitioner was successively granted Essentiality Certificates for commencement and enhancement of M.D.S. seats in the year 2012, 2016 and 2018 based upon the availability of the requisite infrastructure, dental hospital, and tie-up with M.G.M. Medical College & Hospital, Jamshedpur for clinical training. From its establishment, till date four Essentiality Certificates have been issued in favour of the petitioner, in the following manner:-

(a) On 23.08.2004 – Establishment of Dental College with 100 seats of BDS Course
(b) On 27.07.2012 - Commencement of M.D.S. Course for 24 Seats,
(c) On 06.04.2016- Increase of 5 M.D.S. Seats and
(d) On 19.01.2018- 15 additional M.D.S. Seats.

The dispute arose during the Academic Session 2025-26 when the Jharkhand Combined Entrance Competitive Examination Board (In short, JCECEB) vide letter No. 1319 dated 14.11.2025 (Annexure-11) suspended the Stray Vacancy Round of counselling till further orders despite the National Dental Commission prescribing 20.11.2025 (Annexure-9) as the last date for admissions. Since, last date for taking admission was till 20.11.2025, petitioner took admission of 68 students in B.D.S. course directly from the All-India Merit list, on 20.11.2025. The suspension of counselling was withdrawn by respondent No.4-JCECEB with effect from 27.11.2025 (Annexure-13) i.e. subsequent to the last date of admission. After 68 seats of BDS was filled up by the Petitioner College through All-India Merit list, respondent-JCECEB recommended one student (only) for admission in the Petitioner College, after Stray Vacancy Round of Counselling held by it. The petitioner informed the Board that all seats had already been filled, thus no one can now be admitted. Thereafter, a show cause notice dated 24.12.2025 was issued alleging irregular admissions, to which the petitioner submitted a detailed reply, inter alia, taking ground that it took admission in terms of Guidelines of National Dental Commission and thus, committed no illegality. The State Government, by Memo

No.146(8) dated 25.02.2026, recalled the Essentiality Certificate dated 19.01.2018 which relates to 15 M.D.S. seats. Further, on the basis of the State Government's communication, the National Dental Commission, directed stoppage of admissions in both B.D.S. and M.D.S. courses for the Academic Session 2026-27 vide order dated 27.05.2026.(The order dated 27.05.2026 which is passed during the pendency of this writ petition, has been challenged by the petitioner by filing I.A. No.10902 of 2026 for incorporating necessary amendments in the writ petition). Aggrieved by the recall of the Essentiality Certificate and the consequential stoppage of admissions, the petitioner has preferred the present writ petition.

ARGUMENTS ON BEHALF OF THE PETITIONER:

3. Learned counsel appearing on behalf of the petitioner, submits that the petitioner College was established after obtaining permission from the Central Government, in terms of Section 10A of the Dentist Act, 1948. There was no illegality committed by the petitioner, which could warrant cancellation of the essentiality certificate. The cancellation order travels beyond the scope of the show cause notice and also the provisions laid down. The only allegation is that the petitioner took admission of 68 students for BDS Course during the period of stray vacancy round of counselling, but the respondents failed to take into consideration that the stray vacancy was kept on hold by JCECEB whereas the last date of joining was 20th November, 2025. Just before the last date, since the authority, themselves had stopped the counselling, the petitioner, followed the process, which they had followed in the previous academic years, and thus had taken admission of the students. He submits that all the 68 students were admitted from the All India Merit List, thus, the respondent-State cannot have any objection. He submits that for not taking admission of one of the student after stray counselling round, which was recommended by the JCECEB through letter dated 12.12.2025, the impugned order has been passed cancelling the essentiality certificate. It is his contention that the recommendation was made on 12.12.2025, whereas as per the NEET UG Schedule of 2025, last date of joining was 20th November, 2025. He further argues that the essentiality certificate can be cancelled only on the ground of fraud, disappearance of the sub stratum on which it was granted or other reasons of like nature; and taking admission of 68 students is not covered by the aforesaid grounds. He submits that for the sake of argument, even if it is concluded that there was some illegality/ irregularity in the admission process

(though it is denied by the petitioner) same can only be looked into by the National Dental Commission and not by the State. The State cannot take any action on the aforesaid ground. He further submits that as per the impugned order, the ground for cancelling the essentiality certificate dated 19.01.2018, is the aforesaid admission of the students and also that there is absence of infrastructure in terms of the essentiality certificate. This issue of infrastructure has been later on introduced in the impugned order, which was not even raised in the show cause notice, thus, a ground, which was not raised in the show cause notice, cannot be a ground to cancel the essentiality certificate. He lastly submits that by virtue of the impugned order only the essentiality certificate, issued as per Memo No.08(10) dated 19.01.2018 has been cancelled, keeping alive all the other essentiality certificates issued earlier, but the National Dental Commission has stopped admission of students in all the courses for the subsequent academic session, i.e., 2026-27, which could not have been done by it.

ARGUMENTS ON BEHALF OF THE STATE-RESPONDENT

4. Learned counsel appearing on behalf of the State submits that the State has the power to withdraw an essentiality certificate. He submits that though the stray vacancy round of counselling was kept on hold, but later on it resumed. The petitioner should have waited till final decision of the State, but, hurriedly, in one day, took admission of 68 students, which suggests that grave illegality has been committed by the petitioner. Once an illegality has been committed, a show cause notice was issued to the petitioner and finding the reply unsatisfactory, essentiality certificate has been cancelled. He admits that it is the essentiality Certificate No.08(10) dated 19.01.2018, only, which has been cancelled. It is his contention that since the National Dental Commission is the supreme authority, after cancelling the essentiality certificate, Council was informed of such decision. The Council, based on the decision of the State, took a decision of stopping admission in all the courses in the subsequent sessions. He submits that the law is well settled that the College cannot take admission, directly, and by doing so, it has committed illegality. He submits that the entire admission process is a fraud and fraud vitiates the admission process, thus, there is no illegality in cancelling the essentiality certificate.

ARGUMENTS ON BEHALF OF THE RESPONDENT NO.4:-

5. Mr. Anoop Kumar Mehta, learned Senior Counsel appearing on

behalf of the respondent No.4 submits that they are only the body, which conducts the counselling. After the stray vacancy round of counselling, one candidate was referred to the petitioner for the Session 2025-26, but the said student was not admitted on the ground that all the seats were filled. He submits that all the seats were filled up only in one day, which suggests that there is possibility of commission of illegality in admission. He adopts the arguments of the State.

ARGUMENTS ON BEHALF OF THE RESPONDENT- NATIONAL DENTAL COMMISSION

6. Learned counsel appearing on behalf of the National Dental Commission submits that they had received communication from the State informing that the essentiality certificate No.8(10) dated 19.01.2018 has been cancelled. Thus, they had taken a decision to direct the petitioner not to admit any students in the UG and PG Course for the Academic Year 2026-27. He submits that the State has power to cancel the essentiality certificate, but admits that the same can be on the ground of fraud, disappearance of sub stratum on which it was granted or other reasons of like nature. They admit that solely based on the State's communication, they had taken the step. Learned counsel admits that National Dental Commission had not independently conducted any enquiry.

ANALYSIS

7. The petitioner is a private dental college and is a part of Mangalawati Seva Sadan Trust (a Charitable Institution). As per Section 10A of the Dentist Act, 1948, no person can establish a dental college or undertake new courses of study without obtaining prior permission of the Central Government. Section 20 of the Dentist Act, 1948 is a regulation making power. Regulation can be made with the approval of the Central Government. Be it noted that after promulgation of the National Dental Commission Act of 2023, the Dentist Act of 1948 was repealed.

8. In terms of Section 10A read with Section 20 of the Dentist Act, 1948, the Dentist Council of India, vide notification dated 12.01.2006 framed Regulations known as Dental Council of India (Establishment of New Dental Colleges, Opening of New or High Course of Study or Training and Increase of Admission Capacity in Dental Colleges) Regulations, 2006.

9. Under Regulation 6(2)(e) an Essentiality Certificate in Form-4 is

necessary for establishing College or at the time of increasing seats. The said certificate contains no objection of the State Government or the Union Territory Administration as the case may be.

10. So far as this petitioner is concerned, 4 Essentiality Certificates were issued on different dates and for different purposes, which are as follows: -

(i) Essentiality Certificate / No Objection Certificate dated 23.08.2004 by the State Government for establishment of a private dental college at Danga, Jamshedpur, having 100 seats of BDS.

(ii) Essentiality Certificate dated 27.07.2012 by the State Government for 24 seats of MDS course.

(iii) Essentiality Certificate dated 06.04.2016 by the State Government for increased 5 seats of MDS Course.

(iv) Essentiality Certificate dated 19.01.2018 by the State Government for increased 15 seats of MDS Course.

11. Essentiality Certificate dated 23.08.2004 reveals that when the petitioner was trying to establish the Dental College, there was no such college in the State of Jharkhand. It was also stated that the establishment of the college would help removing dental and oral diseases of the population of the State. Petitioner, based on such certificate, established the college.

12. Regulation 6(2)(h) provides that an applicant can apply for establishment of a Dental College, if it owns and manages a General Hospital of not less than 100 Beds or the ‘proposed Dental College’ is located in the proximity of Government Medical Colleges or a Medical College recognised by Medical Council of India and an undertaking of the said Medical College has to be furnished that it would facilitate training to the students of the proposed Dental College. In the Essentiality Certificate issued by the State of Jharkhand dated 23.08.2004 it was clearly noted that the Petitioner College had tied up with local Tata Main Hospital, Jamshedpur which is nearly 9 kms. from the proposed college of the petitioner.

13. The petitioner started BDS courses. As the petitioner wanted to start MDS Course, second Essentiality Certificate No.118(10) dated 27.07.2012 was issued by the State Government for 24 seats. The said Essentiality Certificate clearly mentioned that the applicant owns and manages its Dental Clinic and Hospital with 248 Chairs and minimum 30 outdoor patients per day are available with Petitioner College. On the basis of the said Essentiality

Certificate, petitioner was allowed to start MDS Course. Thereafter by the third Essentiality Certificate dated 06.04.2016, 5 (five) seats of MDS Course were increased. The fourth Essentiality Certificate was issued on 19.01.2018 increasing the number of seats in MDS Course for 15 students. The said certificate noted that the petitioner college has tie up with MGM College & Hospital, Jamshedpur, which is situated at a distance of 7.1 k.m. It is also mentioned that the applicant owns and manages a Dental Clinic / Hospital with 248 chairs and on an average 400 patients per day, i.e., outdoor patients are available to the petitioner college. MGM College & Hospital, Jamshedpur is a Government Medical College and the petitioner has renewed its agreement for providing clinical facilities with the said college on 16.01.2026 for facilitating training of the students of petitioner college in the subject of medicine, surgery and allied medical stream in terms of Regulation 6(2)(h) for the Academic Session 2025-29. The State Government is also collecting a fee of Rs.10,000/- per student of General Category and Rs.4,000/- per student belonging to Reserved Category as fee for providing aforesaid training.

14. The dispute germinated on 2025-26 when it is alleged that the petitioner, in one day admitted 68 students in the BDS Course. It is the defence of the petitioner that there was a schedule, which the petitioner had to follow and since the stray round of counselling was kept on hold by the respondents and as the last date, as per the National Dental Commission, for admission was 20.11.2025, they had to take these admissions. It is their case that they had taken admission from the merit list of NEET and have not committed any illegality.

15. It is the argument of the State-respondents that in an illegal manner, without counselling, the College has admitted 68 students.

16. In defence, the petitioner contended that in the previous years, the State permitted the petitioner to admit students directly, but in this academic session, without waiting for the said permission, they proceeded and unilaterally admitted the students, which is proper and legal, considering the last date.

17. In the background of the aforesaid dispute, a show cause notice dated 24.12.2025 was issued to the petitioner by the respondent No.3-Deputy Secretary, Department of Health, Medical Education and Family Welfare. In the show cause the following facts and the grounds have been mentioned, which need to be summarised below: -

i) Vide your Letter No. 344 dated 19.11.2025 it is informed that, up to 19.11.2025, admission of 32 students had been taken through Online Counselling.

ii) On the very next day, vide your Letter No. 350 dated 20.11.2025, you informed that admission had been taken against all the remaining 68 vacant seats on 20.11.2025. Thus, the aforesaid conduct clearly indicates that, in a pre-planned manner, admissions against all the remaining 68 vacant seats were taken by you on a single day.

iii) Despite the stay order issued by the Jharkhand Combined Entrance Competitive Examination Board, Namkum, Ranchi, you proceeded to admit B.D.S. students arbitrarily against all the remaining vacant seats by 20.11.2025.

iv) The Jharkhand Combined Entrance Competitive Examination Board, Namkum, Ranchi, vide Letter No. 1440 dated 12.12.2025, informed the Department that the seats remaining vacant after the stray vacancy round of counseling had been filled at the institutional level and that your institution had not admitted the 01 (one) candidate recommended to you by the Board in the Stray Vacancy Round.

v) Vide Departmental Letter No. 147(8) dated 29.07.2025, for admission to the B.D.S. course for the academic session 2025-26 students were required to be made only after Counselling conducted by the Jharkhand Combined Entrance Competitive Examination Board, Ranchi.

vi) In view of the aforesaid circumstances, you are hereby called upon to explain, within one week from the date of receipt of this letter, as to why the Essentiality Certificate issued to your institution should not be cancelled on account of the admissions made by your institution in violation of the rules in the B.D.S. course for the academic session 2025-26 and for not admitting the candidate recommended by the Jharkhand Combined Entrance Competitive Examination Board, Ranchi.

18. The petitioner gave a detailed reply to the show cause. After

receipt of the show cause reply, respondent-State had cancelled the Essentiality Certificate No. 08(10) dated 19.01.2018 vide Memo No.146(8) dated 22.05.2026.

FINDINGS

19. After going through the impugned order, I find that the Essentiality Certificate dated 19.01.2018 was cancelled on two grounds. The main ground, which covers the maximum part of the impugned order, is in relation to taking admission of 68 students without conselling. The other ground, which is there in the penultimate paragraph of the impugned order is that the College has not developed any infrastructure facility in terms of the Essentiality Certificate.

20. So far as the second ground for cancellation of the Essentiality Certificate, i.e., absence of infrastructure or not setting up of infrastructure in terms of the Essentiality Certificate, is concerned, admittedly, the same was not a ground mentioned in the show cause notice, issued to the petitioner. An order, which is passed on the ground not specified in the show cause notice, violates the principles of *audi altram partem.* The authority cannot travel beyond the show cause notice. It is well settled that if some of the grounds are valid for taking punitive action, yet relying on those grounds, which are not mentioned in the show cause notice, if any order is passed, it vitiates the order. Thus, the general rule is that if the grounds of passing a punitive order is not put to the person, who is proceeded against, the impugned order cannot be sustained, but, there are some exceptions. The exception to the general rule is that in case where the punitive order is passed on multiple grounds and some grounds are valid whereas others are not, the impugned order will have no effect, but this exception will also not apply when some of the grounds for passing the impugned order were not even put forth to the person in the show cause notice, which is the case here.

21. The Hon'ble Supreme Court in the case of ***Kaur & Singh versus Collector of Central Excise, New Delhi,*** reported in ***1997 (4) ELT 289 (SC)*** has observed that the party to whom a show cause notice is issued must be made aware of the allegation against it and that this is a requirement of natural justice. Unless the assessee is put to such notice, he has no opportunity to meet the case against him. There is no scope for assuming that the ground is implicit in the issuance of the show cause notice. Paragraph No.3 of the judgment reads as under:

> ***3. This Court has held that the party to whom a show cause notice of this kind is issued must be made aware of the allegation against it. This is a requirement of natural justice. Unless the assessee is put to such notice, he has no opportunity to meet the case against him. This is all the more so when a larger period of limitation can be invoked on a variety of grounds. Which ground is alleged against the assessee must be made known to him, and there is no scope for assuming that the ground is implicit in the issuance of the show cause notice. [See Collector of Central Excise v. H.M.M Limited., 1995 (76) E.L.T. 497 and Raj Bahadur Narayan Singh sugar Mills Limited v. Union of India, 1996 (88) E.L.T. 24].***

22. In this regard the Hon'ble Supreme Court in the case of ***UMC Technologies (P) Ltd. versus Food Corpn. of India,*** reported in ***(2021) 2 SCC 551*** has observed as under:

> ***"13. At the outset, it must be noted that it is the first principle of civilised jurisprudence that a person against whom any action is sought to be taken or whose right or interests are being affected should be given a reasonable opportunity to defend himself. The basic principle of natural justice is that before adjudication starts, the authority concerned should give to the affected party a notice of the case against him so that he can defend himself. Such notice should be adequate and the grounds necessitating action and the penalty/action proposed should be mentioned specifically and unambiguously. An order travelling beyond the bounds of notice is impermissible and without jurisdiction to that extent. This Court in Nasir Ahmad v. Custodian General, Evacuee Property [Nasir Ahmad v. Custodian General, Evacuee Property, (1980) 3 SCC 1] has held that it is essential for the notice to specify the particular grounds on the basis of which an action is proposed to be taken so as to enable the noticee to answer the case against him. If these conditions are not satisfied, the person cannot be said to have been granted any reasonable opportunity of being heard.***

23. A show cause notice is not an empty formality. The same must specify the grounds on which punitive action is sought to be taken. The order passed, on the grounds not mentioned in the show cause notice, is not valid. A show cause notice is issued to seek an explanation so that the person, who is proceeded against gets a chance to rebut the allegation. This is an essential

compliance of the principles of natural justice. In absence of compliance of natural justice, no one can be punished.

24. In the instant case, though there are two grounds for cancelling the Essentiality Certificate, but in respect of one of the grounds, there was no show cause notice, thus, the order to that extent is bad as it is in violation of the principles of natural justice.

25. Admittedly, show cause notice was issued for taking admission of 68 students in BDS Course for the Acadmic year 2025-26. As the State felt that the said admission was illegal and without counselling, the Essentiality Certificate No.8(10) dated 19.01.2018 was cancelled. To reiterate, it is an admitted fact that the Essentiality Certificate No.8(10) dated 19.01.2018 has been cancelled and not the rest of the certificates. By this Essentiality Certificate, 15 seats of BDS Course in the College of the petitioner were increased.

26. Now the question which will fall for consideration is that whether the aforesaid ground to cancel the Essentiality Certificate holds good? An Essentiality Certificate can only be withdrawn under limited circumstances i.e. if an Essentiality Certificate is obtained by fraud, then the same can be cancelled. If a situation arises, which causes disappearance of the substratum on which the Essentiality Certificate is granted, same can also be cancelled; or for any other reason of like nature.

27. In the case of ***Chintpurni Medical College & Hospital versus State of Punjab,*** reported in ***(2018) 15 SCC 1*** the Hon'ble Supreme Court has observed as under:

> ***"36. We may not be understood to be laying down that under no circumstances can an essentiality certificate be withdrawn. The State Government would be entitled to withdraw such certificate where it is obtained by playing fraud on it or any circumstances where the very substratum on which the essentiality certificate was granted disappears or any other reason of like nature."***

28. The Hon'ble Supreme Court in the case of ***Sukh Sagar Medical College & Hospital versus State of M.P.,*** reported in ***(2021) 13 SCC 587,*** affirmed the view taken in the case of ***Chintpurni Medical College & Hospital (supra)*** that the act of the State in issuing Essentiality Certificate is a quasi-judicial function and the State Government can revoke or withdraw the Essentiality Certificate in exceptional circumstances referred to therein.

Paragraph No.18 of the judgment reads as under:

> ***"18. As noted earlier, even in Chintpurni Medical College [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1], the Court has clarified that the State Government can cancel/revoke/withdraw essentiality certificate in exceptional cases, by observing thus: (SCC p. 17, para 36)***
>
> > ***"36. We may not be understood to be laying down that under no circumstances can an essentiality certificate be withdrawn. The State Government would be entitled to withdraw such certificate where it is obtained by playing fraud on it or any circumstances where the very substratum on which the essentiality certificate was granted disappears or any other reason of like nature."***
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> > ***(emphasis supplied)***
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> ***In other words, we hold that Chintpurni Medical College [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1] does not lay down in absolute terms that the State cannot revoke the essentiality certificate once granted for opening of a new medical college within the State. The observations in para 36 of the reported decision also reiterate this position and make it amply clear that in exceptional circumstances referred to therein, the State is free to do so."***

29. The Hon'ble Supreme Court in the Case of ***V.N. Public Health Educational Trust versus State of Kerala*** reported in ***(2021) 17 SCC 189,*** has held that the limited ground for withdrawal are specific to circumstances of each certificate. Cancellation on the ground of fraud would relate to particular application process of that certificate. It has been further held that disappearance of substratum would relate to facts specific to that particular Essentiality Certificate proposal. While taking note of the earlier pronouncements, at paragraph No.30 to 32 of the judgment, the Hon'ble Supreme Court has observed as under:

> ***"30. A two-Judge Bench decision in Chintpurni Medical College [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1] was considered by a three-Judge Bench in Sukh Sagar Medical College & Hospital v. State of***

M.P. [Sukh Sagar Medical College & Hospital v. State of M.P., (2021) 13 SCC 587] In para 15 of the Report, the three-Judge Bench though agreed with the dictum in Chintpurni Medical College [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1] that the act of the State in issuing EC is a quasi-judicial function. It further went on to note the exception carved out in Chintpurni Medical College [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1] , at SCC para 36, wherein the State Government can cancel/revoke/withdraw the EC. It was finally observed in para 33 of the Report in Sukh Sagar Medical College & Hospital [Sukh Sagar Medical College & Hospital v. State of M.P., (2021) 13 SCC 587] as under : (Sukh Sagar Medical College & Hospital case [Sukh Sagar Medical College & Hospital v. State of M.P., (2021) 13 SCC 587] , SCC pp. 608-609, para 33)

> ***"33. We are conscious of the view taken and conclusion recorded in Chintpurni Medical College [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1] . Even though the fact situation in that case may appear to be similar, however, in our opinion, in a case such as the present one, where the spirit behind the essentiality certificate issued as back as on 27-8-2014 has remained unfulfilled by the appellant College for all this period (almost six years), despite repeated opportunities given by the MCI, as noticed from the summary/observation in the assessment report, it can be safely assumed that the substratum for issuing the essentiality certificate had completely disappeared. The State Government cannot be expected to wait indefinitely, much less beyond period of five years, thereby impacting the interests of the student community in the region and the increased doctor-patient ratio and denial of healthcare facility in the attached hospital due to gross deficiencies. Such a situation, in our view, must come within the excepted category, where the State Government ought to act upon and must take corrective measures to undo the hiatus situation and provide a window to some other institute capable of fulfilling the minimum standards/norms specified by the MCI for establishment of a new***

> ***medical college in the locality concerned or within the State. Without any further ado, we are of the view that the appellant College is a failed institute thus far and is unable to deliver the aspirations of the student community and the public at large to produce more medical personnel on year-to-year basis as per the spirit behind issuance of the subject essentiality certificate dated 27-8-2014. To this extent, we respectfully depart from the view taken in Chintpurni Medical College [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1] .”***
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> ***31. Let us make it clear that there can be no analogy drawn between the facts of Chintpurni case [Chintpurni Medical College & Hospital v. State of Punjab, (2018) 15 SCC 1] and the present case. Sukh Sagar case [Sukh Sagar Medical College & Hospital v. State of M.P., (2021) 13 SCC 587] actually expanded the circumstances in which the State Government may withdraw the EC. The dictum of Sukh Sagar [Sukh Sagar Medical College & Hospital v. State of M.P., (2021) 13 SCC 587] actually supports the case of the respondents.***
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> ***32. The law thus stands settled that the State Government has power to withdraw the EC where it is obtained by playing fraud on it or where the very substratum on which the EC was granted vanishes or any other reason of like nature.”***

30. Keeping in view the aforesaid provision of law, when I go through the grounds for cancellation in the present case, I find that the same has neither got anything to do with fraud in obtaining the said certificate nor it can be said that there is disappearance of any substratum. The very functioning of the College would suggest that there is and was a necessity of establishment of the college. Further, recommending one student also by the State for admission, will suggest that the substratum has not disappeared. May be some illegality has been committed by the petitioner subsequently in taking admission, but that will neither amount to disappearance of the sub-stratum nor it can be said that at the time of obtaining the Essentiality Certificate a fraud has been committed. “Any other reasons of like nature” can be a ground for cancelling the Essentiality Certificate, but the same should have a direct nexus with the aforesaid two conditions. In facts of this case, none of the ground to cancel the

certificate is established. On this ground also, I find that the conditions for cancelling the Essentiality Certificate does not exist.

31. So far as the action of the National Dental Commission in prohibiting admission for the Session 2026-27 is concerned, it is clear that the said order has been passed solely on the ground and based on the recommendation made by the State. Admittedly, the State has cancelled the Essentiality Certificate dated 19.01.2018 and not the other Essentiality Certificates. Technically speaking, all the other three Essentiality Certificates issued earlier in favour of the petitioner college is alive. That being so, the National Dental Commission could not have stopped admission of the students for all the courses. At best, they could have stopped admission of the students in the course, which is governed by the impugned Essentiality Certificate.

32. Admittedly, on the recommendation of the State, the admission has been stopped. The ground for recommendation is taking admission of 68 students on one day without counselling. The petitioner takes a defence that they had admitted all the students from the merit list of NEET for the year 2025-26. It is their case that since the last date was to be over within a day, they had to admit the students to complete the admission process. They further took the plea that in the last few academic sessions, when the seats were not filled up, the State themselves had directed the petitioner to fill up the seats from the NEET merit list. Thus for the year 2025-2026 also, petitioner had followed the same procedure.

33. The State admits that in the past few academic sessions, similar instructions were given to the petitioner, but for the academic session 2025-26, since they resumed the stray counselling process after a halt for few days, no such specific instruction was given to the petitioner to take admission directly. It is their case that hurriedly, with some ulterior motive, the petitioner had got the students admitted. As per the State, the petitioner should have waited for specific instructions from State before taking such admissions.

34. Thus, from the aforesaid arguments and the facts, it is clear that an issue which will fall for consideration is whether admission taken by the petitioner for the year 2025-26 was correct or whether the same was irregular or illegal. To arrive at any conclusion, an inquiry need to be conducted, which can only be done by the National Dental Commission. This inquiry must be an independent process. This issue cannot be decided in an application under Article 226 of the Constitution of India. Without actually arriving at a conclusive finding as to whether admission was legal or regular or proper, petitioner cannot

get the relief, which he has prayed in this writ petition at prayer (ii), which is to declare the admission taken by them proper and legal.

CONCLUSIVE OBSERVATION

35. Thus, to conclude, I hold that the cancellation of Essentiality Certificate dated 19.01.2018 is bad on the grounds mentioned above. Further, the action of the National Dental Commission to debar the petitioner from taking admission for all the courses is also bad. The National Dental Commission is at liberty to make an inquiry after giving proper opportunity of hearing to the petitioner in respect of the correctness and legality of the admission of 68 students for the Session 2025-26 in the BDS course and then only they can take appropriate action against the petitioner. This Court thus refrains from giving any declaration on the point of legality of the admission of students on 68 seats taken by the petitioner for the academic session 2025-26.

36. With the aforesaid observations, this writ petition stands disposed of. Pending interlocutory applications, if any, stand disposed of.

(Ananda Sen, J.)

High Court of Jharkhand, Ranchi
Dated 13th August, 2026
Kumar/Cp-02
AFR

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