

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 346 of 2015

In
Civil Writ Jurisdiction Case No 9720 of 2011

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Mithila Minority Dental College and Hospital

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

4 13-03-2015

As ordered on 11.03.2015, the Secretary, Dental

Council of India (DCI) is personally present in the Court.

Let it be first recorded that in the cause title of Order No 3 dated 11.03.2015, the nomenclature of the case is given as Civil Writ Jurisdiction Case No 346 of 2015. That should be read as Miscellaneous Jurisdiction Case No 346 of 2015. That is a typographical error.

It is regretted that an apex body like the DCI either does not appreciate or understand clear orders of the Court. This Court, in the controversy in question, had clearly held that essentiality certificate, which has to be obtained from the State Government, is to be obtained once. It, accordingly, directed the Union of India and the DCI to proceed accordingly. On basis of the essentiality certificate so granted by the State, though with certain conditions and stipulations which were foreign to the



object and purpose, the Union of India asked DCI to proceed for inspection. DCI conducted the inspection and then recommended to Union of India granting certain permissions. Regrettably, while doing so, again made it conditional upon furnishing of essentiality certificate from the State Government which, as noted above, had already been furnished. This is apparent from the letter of DCI dated 28th of February, 2015 which is Annexure 1 series. Vide this letter dated 28.02.2015, while according permission, the DCI recommended to the Central Government that the permission would be subject to essentiality certificate being submitted by the College. This, on the face of it, is contemptuous inasmuch as this Court had already held that the essentiality certificate had to be submitted once and it was on basis of that, the Central Government and the DCI had already acted. It is only to harass the College for reasons, which this Court cannot discuss, that this has been stated. In the same paragraph, it is stated that the same has to be submitted by 28.02.2015 itself. Again, it shows either deliberate non-application of mind or some other consideration because the letter itself is being issued on the 28th of February, 2015.

Mr S D Sanjay and the Secretary, DCI are unable to contest the position that in view of earlier order of this Court,

imposition of this condition was neither permissible nor desirable. Learned counsel for the petitioner draws attention of this Court to the communication of the Government of India dated 10th of March, 2015 (Annexure 4R) whereby, upon receipt of recommendation of DCI, the Government of India issued letter of intent but while doing so, in clause 3 (vi), it reproduced the condition as put by the DCI regarding submission of essentiality certificate. In view of what has been notice above, this clause 3 (vi) is redundant and has to be ignored.

IA No 1872 of 2015 stands disposed of.

(Navaniti Prasad Singh, J)

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