

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 7372 OF 2014

- 1) Aditya Education Trust, Beed
Register Public Trust
Bearing No.F-8739, Beed,
Through its authorized person,
Shri. Subhashchandra s/o Mitthulalji Sarda,
Age: 58 years, Occ: Business,
R/o.: Kala Hanuman Thana,
Beed, Tq. & Dist. Beed.
- 2) Aditya Education Trust's,
Aditya Dental College & Hospital
Talgaon Road, Beed,
Through its Superintendent,
Shri. Santosh s/o. Bajrang Lahane,
Age: 34 years, Occ: Service,
R/o. Beed, Dist. Beed.

... PETITIONERS

VERSUS

- 1) The Union of India,
Through its Secretary,
Ministry of Health and Family
Welfare (Dental Education Section)
Nirman Bhavan, New Delhi.
- 2) The Dental Council of India,
Through its Secretary,
New Delhi,
Aiwan-E-Galib Marg,
Kotla Road, Temple Line,
New Delhi-100 002.
- 3) The Maharashtra Universities of Health
Science Nashik, Dindori Road,
Nashik, Dist. Nashik,
Through its Register.

... RESPONDENTS

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Mr. Salunke V.D., Advocate for Petitioners.
Mr. S.B. Deshpande, ASG for Respondent No.1.
Mr. Sharma, Advocate for Respondent No.2.
Mr. Sant Kishor C., Advocate for Respondent No.3.

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CORAM : **S. V. GANGAPURWALA and
V.L. ACHLIYA, JJ.**
DATE : 22nd January, 2015.

ORAL JUDGMENT: (Per S. V. Gangapurwala, J.)

1 Rule. Rule made returnable forthwith. With the consent of the learned counsel appearing for the parties, the petition is taken up for final hearing.

2 The Petitioners assail the order dated 8th July, 2014, passed by the Dental Council of India and 15th July, 2014, passed by the Government of India thereby conveying that the Petitioners shall not admit students for the year 2014-15, as the Council did not get the necessary order regarding continuation of affiliation within stipulated period.

3 Mr.Salunke, learned counsel states that the Petitioners have complied everything in time. However, it is the university who took time to issue necessary approval for the affiliation, although this Court had directed the university to consider it within the stipulated time.

4 Mr.Sant, learned counsel submits that because of the administrative reasons, the University could not give the order of continuation of affiliation within the stipulated time as directed by this Court.

5 Mr.Sharma, learned counsel for the Dental Council of India and Mr.Deshpande, learned ASG submit that in view of the judgment of the Apex Court, the case of the Petitioner could not have been considered as the order continuing the affiliation by the University was not received within the stipulated time.

6 It is observed that the Petitioner – Institution was granted continuation of affiliation by the University. The same was pursuant to the directions of this Court dated 7th April, 2014 in Writ Petition No.1830 of 2014. This Court had directed the University to proceed from the stage of considering fresh reply filed by the Petitioner and it was also observed in paragraph No.8 of the order that the University should not further delay the process since due to their mistake, in not considering the fresh reply filed by the Petitioner, the impugned orders were quashed.

7 The University eventually found that the Petitioner – Institution is eligible to be granted continuation of the affiliation as it

conforms to all the legal requirements.

8 The delay was not on the part of the Petitioner, but on the part of the University, considering that we had passed the interim order on 25th August, 2014. The students are admitted pursuant to the interim orders and also appeared for the examination.

9 Considering all the aforesaid aspects of the matter, the Rule is made absolute in terms of the interim orders and in terms of prayer clause (B).

[V.L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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