

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.8296 OF 2014
WITH
WRIT PETITION NO.9193 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr. R.P.Dhase, Mr.D.K.Rajput, advocates for the Petitioners.
Mrs.S.A.Dhumal, Asstt. Govt. Pleader for the State.
Mr.K.C.Sant, advocate for Respondent No.2.
Mr.N.S.Markad, advocate holding for Mr.C.K.Shinde, advocate for Respondent No.3.
Mr.Alok Sharma, Asstt. Solicitor General for Respondent No.4.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.
Date : 26.02.2015.**

PER COURT :

1. Heard.
2. The petitioners have approached this Court assailing the impugned clause of the revised BDS course Regulation 2007, by virtue of which any student who did not clear the Ist year BDS University examination in all subjects within three (3) years from the date of admission shall be discharged from the said course. Mr.Sharma, learned Asstt. Solicitor General for Respondent No.4 states that the said clause has been substituted by the following

clause :

“Any student who does not clear the first BDS University Examination in all subjects within a period of 9 years including one year Compulsory Rotating Internship from the date of admission, shall be discharged from the Course”

Even clarification is sought from the Central Government.

3. However, it is clear that restriction of clearing first year BDS University examination in three (3) years does not survive.

4. In light of that, the petitioners shall not be discharged from the course only on the ground that Ist year BDS University examination has not been cleared within three (3) years from the date of admission.

5. In view of the above, the Respondents shall allow the petitioners to appear for Ist year BDS examination, if otherwise, the petitioners are eligible. They shall not be restrained from appearing for the examination only on the ground that the petitioners have not cleared Ist year BDS University examination in all subjects in three (3) years.

6. The Writ Petitions are accordingly disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..26.02.2015.
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