

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9412 OF 2014

Akshay Wamanrao Kale

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Shaikh Rameez Raja Sk. Maqsood, Advocate for the
Petitioner.

Shri A. S. Shinde, A.G.P. for the Respondent No. 1.

Shri K. C. Sant, Advocate for the Respondent No. 2.

Shri M. D. Joshi, Advocate for the Respondent No. 3.

Shri Alok Sharma, Advocate for the Respondent No. 4.

Shri S. B. Deshpande, Assistant Solicitor General for the
Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 03RD MARCH, 2015.

PER COURT :-

. Heard.

2. The petitioner has 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 counsel 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 petitioner 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 petitioner to appear for Ist year BDS examination, if otherwise, the petitioner is eligible. He shall not be restrained from appearing for the examination only on the ground that the petitioner has not cleared Ist year BDS University examination in all subjects in three (3) years.

6. The Writ Petition is accordingly disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]