

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11565 OF 2014

KANCHAN VIJAYKUMAR DOLAS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Thombre S.S.
AGP for Respondents State: Mrs.R.K.Ladda
Adv.Mr. Tambe Rahul A. For R/4
Adv. K.C. Sant For R.2 & 3
Adv.Mr.Alok Sharma For R.5

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**CORAM : S. V. GANGAPURWALA &
V. L.ACHLIYA, JJ.
DATED : 5th MARCH, 2015**

P.C. :-

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 1st 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.5 states that the said clause has been substituted by 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 1st 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 1st 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 1st 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.

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