

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WA.No. 1045 of 2015 () IN WP(C).14676/2015

AGAINST THE ORDER IN WP(C) 14676/2015 of HIGH COURT OF KERALA
DATED 19.5.2015

APPELLANT/RESPONDENT NO 2 IN WPC :-

DENTAL COUNCIL OF INDIA (DCI),
REPRESENTED BY ITS SECRETARY, ALWAN-E-GALIB MARG
KOTLA ROAD, NEW DELHI - 110 002.

BY ADV. SRI.TITUS MANI VETOM, SC

RESPONDENTS/PETITIONER/RESPONDENT NO 1 IN WP(C) :-

1. THE PRINCIPAL, NOORUL ISLAM COLLEGE OF DENTAL SCIENCES
NIMS MEDICITY, ARALUMMOODU P.O, NEYYATTINKARA
THIRUVANANTHAPURAM-695 123

2. UNION OF INDIA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE (DENTAL EDUCATION
SECTION), NIRMAL BHAVAN, NEW DELHI- 110 001

R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R1 BY SRI.T.B.HOOD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28-05-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.1045 of 2015

Dated this the 28th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard the learned counsel for the appellant as well as the learned counsel appearing for the respondents.

2. This writ appeal has been filed against the interim order dated 19.5.2015, by which, the learned Single Judge directed the 2nd respondent, Dental Council of India (DCI), who is the appellant before us, to cause an inspection to be done in the premises of the petitioner college to ascertain whether there has in fact, been a rectification of the deficiencies pointed out in Exts.P2 and P3 letters. The DCI is in appeal against the said direction.

3. In the writ petition, the petitioner challenged Ext.P8 order, by which, the Central Government communicated to the petitioner that in view of the negative recommendation of the DCI, the Central Government decided not to grant permission for renewal of two MDS courses for the academic session 2015-'16. The petitioner was granted permission for starting MDS courses

in two specialties with two seats for each specialty during the academic session 2014-'15. It is submitted that inspection was conducted by the DCI on 13.1.2015 and two deficiencies were pointed out. The petitioner rectified the deficiencies and had submitted compliance reports, Exts.P4 and P5. Petitioner's case is that, he was given a hearing date by the Central Government, who recommended the DCI to re-consider the issue. In spite of reviewing/reassessing their earlier recommendations for disapproval for renewal, DCI reiterated its stand that since the cut off date for sending recommendation is over, nothing can be done in the matter.

4. Learned counsel for the appellant, in support of the appeal, repeated the same submission that the DCI cannot act in breach of the time schedule.

5. Present is a case where permission was granted by the Central Government for starting MDS courses in two specialties with two seats for each specialties during the academic session 2014-'15. For the purpose of renewal, inspection was conducted by the DCI and deficiencies were pointed out. The petitioner appeared before the Hearing Committee constituted by the Central Government and

placed their claim regarding rectification of deficiencies. Based on the report of the Hearing Committee, the Central Government requested the DCI to review its earlier recommendation. But the DCI reiterated its earlier stand and the Central Government simply followed the recommendation of the DCI and decided not to grant permission for renewal for MDS Courses for the academic year 2015-'16. Aggrieved by the same, the petitioner approached this Court with a writ petition. After considering the facts and circumstances, the learned Single Judge, by an interim order dated 19.5.2015 directed the DCI to ascertain whether rectification of deficiencies were made or not. The said writ petition is yet to be heard and decided. The learned Single Judge had already posted the matter on 25.5.2015.

6. Learned counsel for the appellant has informed that the case is again taken up for consideration today by the learned Single Judge. It is open for the appellant to appear before the learned Single Judge and submit their affidavit or objection, which shall be considered by the learned Single Judge in accordance with law.

W.A. No.1045 of 2015

-: 4 :-

At this stage, we see no reason to entertain the writ appeal. Hence, the writ appeal is closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//True Copy//

P.A. To Judge

Jvt