

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WA.No. 1106 of 2015 () IN WP(C).15364/2015

AGAINST THE ORDER IN WP(C) 15364/2015 of HIGH COURT OF KERALA
DATED 28-05-2015

APPELLANT(S)/RESPONDENT NO.2 IN WPC. :-

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

BY ADV. SRI.TITUS MANI VETOM, SC

RESPONDENT(S)/PETITIONER/RESPONDENT NO.1 IN WPC. :-

1. ANNOOR DENTAL COLLEGE AND HOSPITAL,
ANNOOR EDUCATIONAL TRUST, MARKET P.O, KAVUMKARA
MUVATTUPUZHA, ERNAKULAM DISTRICT- 686 673
REPRESENTED BY THE CHAIRMAN (ADMN)

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

R2 BY ADV. SMT.MAHESWARY.G., CGC

R1 BY SRI.GEORGE POONTHOTTAM

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

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

W.A. No.1106 of 2015

Dated this the 3rd day of June 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 first respondent/writ petitioner.

2. This writ appeal has been filed by the Dental Council of India (DCI) against the interim order dated 28.5.2015, by which, the learned Single Judge has directed the DCI to conduct an inspection and file a report of the inspection before the court on or before 4.6.2015.

3. The petitioner had filed the writ petition praying for quashing Exts.P9 and P10. Ext.P10 is a letter dated 31.3.2015, by which, the Central Government had denied the permission for renewal of MDS specialty with three seats for the academic year 2015-'16. The DCI had made two inspections and pointed out certain deficiencies and sent an adverse report to the Government of India. The Government of India gave a personal hearing to the petitioner vide its letter dated 13.3.2015 and recommended the DCI to review/reassess their earlier recommendation for

-: 2 :-

disapproval of renewal. The DCI did not accede to the request of the Government and reiterated their earlier recommendation saying that the cut off date for sending recommendation was over and there is no time to verify the compliance submitted by the petitioner. Against the said decision of the DCI, the petitioner has filed the writ petition, wherein, the learned Single Judge had issued a direction to the DCI to hold an inspection to verify whether the deficiencies have been removed or not.

4. We are of the view that the learned Single Judge in issuing the interim order has appropriately exercised its discretion. Since the Government of India has already requested the Council to carry on inspection, we do not find any error in granting the said interim order.

Since the appeal having been only against the said interim order, we do not think that it is a fit case to entertain at this stage. It is hence, dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE