

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WP(C).No. 27432 of 2013 (D)

PETITIONER(S):

**DR.JOSEPH ISSAC, AGED 56 YEARS,
S/O.LATE K.E.ISAAC,
RESIDING AT ISAAC'S TOWER 37/1624, JAWAHAR NAGAR,
S.C.ROAD, KOCHI, PIN-682 020.**

**BY ADVS.SRI.SAJEEV KUMAR K.GOPAL
SRI.R.HARISHANKAR**

RESPONDENT(S):

- 1. THE DENTAL COUNCIL OF INDIA,
REPRESENTED ITS SECRETARY, AIWAN-E-GHALIBMARG,
KOTIA ROAD, NEW DELHI-110 002.**
- 2. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HEALTH AND FAMILY WELFARE,
NEW DELHI-110 001.**
- * 3. LALIT NARAYAN MITHILA UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
KAMESHWAR NAGAR, DARBHANGA, BIHAR - 846 008.**
- * 4. THE SARJUG DENTAL COLLEGE & HOSPITAL,
REPRESENTED BY ITS PRINCIPAL,
HOSPITAL ROAD LAHERIASARAI, DARBHANGA,
BIHAR - 846 003.**
- 5. DR.DEBASHIS BANERJEE,
FLAT NO.302-A, SURYA KIRAN APARTMENTS,
V.I.P.ROAD BANGUIHATI, KOLKATA - 700 059.**
- * 6. THE BUDHA INSTITUTE OF DENTAL SCIENCES & HOSPITAL,
KANKARBAGH, PATNA-800 020,
REPRESENTED BY ITS PRINCIPAL.**

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- * **7. THE VICE-CHANCELLOR,
MAGADH UNIVERSITY, BODH-GAYA, BIHAR-824 231.**
- * **RESPONDENTS 3, 4 6 & 7 DELETED FROM THE PARTY ARRAY VIDE ORDER
DTD.4.8.2014 IN IA.10231/2014.**

**R1 BY ADVS. SRI.ALEXANDER THOMAS, SC
SRI.TITUS MANI VETOM, SC
R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R5 BY SRI.O.V.RADHAKRISHNAN (SENIOR ADVOCATE)
ADV.SRI.M.P.PRAKASH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE COPY OF THE NOTIFICATION DATED 18-01-2011 ISSUED BY THE CENTRAL GOVERNMENT, MINISTRY OF HEALTH AND FAMILY WELFARE NOMINATING THE PETITIONER AS A MEMBER OF THE DENTAL COUNCIL OF INDIA.

EXT.P2 - TRUE COPY OF THE LETTER DATED 24-02-2012 OF THE DENTAL COUNCIL OF INDIA INCORPORATING THE GUIDELINES.

EXT.P3 - TRUE COPY OF THE STAFF LIST OF THE DEPARTMENT OF CONSERVATIVE DENTISTRY AND ENDODONTICS PUBLISHED IN THE OFFICIAL WEBSITE OF THE RESPONDENT NO.6.

EXT.P4 - TRUE COPY OF THE LIST OF STAFF IN THE DEPARTMENT OF CONSERVATIVE DENTISTRY AND ENDODONTICS OF THE 4TH RESPONDENT COLLEGE.

EXT.P5 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT TO THE PUBLIC INFORMATION OFFICER.

EXT.P6 - TRUE COPY OF THE REPLY RECEIVED FROM THE RESPONDENT NO.1 DATED 24-10-2013.

EXT.P7 - TRUE COPY OF THE COMMUNICATION FROM THE 3RD RESPONDENT UNIVERSITY TO THE SECRETARY OF THE 1ST RESPONDENT DATED 02-02-2013 VIDE LETTER NO.1245/2013.

EXT.P8 - TRUE COPY OF THE LETTER NO.5179/2013 DATED 09-05-2013 ISSUED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.

EXT.P9 - TRUE COPY OF THE LETTER DO NO.DE-108-2013/1974 DATED 10-05-2013.

EXT.P10 - TRUE COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE 127TH MEETING.

EXT.P11 - TRUE COPY OF THE LIST OF MEMBERS OF THE DENTAL COUNCIL OF INDIA

EXT.P12: TRUE COPY OF THE COMMUNICATION FROM THE 2ND RESPONDENT TO THE 1ST RESPONDENT DTD.13.1.2015.

EXT.P13: TRUE COPY OF THE COMMUNICATION FROM THE 2ND RESPONDENT TO THE 1ST RESPONDENT DTD.21.1.2015.

EXT.P14: TRUE COPY OF THE COMMUNICATION FROM THE REGISTRAR OF LALIT NARAYN MITHILA UNIVERSITY TO THE 2ND RESPONDENT DTD.30.5.2015.

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EXT.P15: TRUE COPY OF THE COMMUNICATION FROM THE 2ND RESPONDENT TO THE 1ST RESPONDENT DTD.10.6.2015.

EXT.P16: TRUE COPY OF THE COMMUNICATION FROM THE 1ST RESPONDENT TO THE 2ND RESPONDENT DTD.10.7.20-15.

RESPONDENT(S)' EXHIBITS:

EXT.R1(a): TRUE COPY OF 5 JUDGES' BENCH DECISION OF THE HON'BLE HIGH COURT OF DELHI REPORTED IN AIR 2011 DELHI 174.

EXT.R3(b): TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE 1ST RESPONDENT.

EXT.R3(b): TRUE COPY OF LETTER DTD.18.6.2012 OF THE DEAN, FACULTY OF DENTISTRY, LALIT NARAY MITHILA UNIVERSITY.

EXT.R3(c): TRUE COPY OF THE MINUTES OF THE MEETING OF THE SENATE OF THE LALIT NARAYAN MITHILA UNIVERSITY, WITH ENGLISH TRANSLATION.

EXT.R3(d): TRUE COPY OF THE LETTER DTD.10.5.2013 OF THE 1ST RESPONDENT.

EXT.R3(e): TRUE COPY OF THE LETTER DTD.9.5.2013 OF THE REGISTRAR, LALIT NARAYAN MITHILA UNIVERSITY.

EXT.R3(f): TRUE COPY OF THE LETTER DTD.2.2.2013 OF THE REGISTRAR, LALIT NARAYAN MITHILA UNIVERSITY.

EXT.R(g): TRUE COPY OF THE ORDER DTD.13.5.2015 IN CWJC NO.5954/2015 OF THE HON'BLE HIGH COURT OF PATNA.

EXT.R(h): TRUE COPY OF THE APPLICATION FILED FOR TAKING CONTEMPT ACTION.

EXT.R(i): TRUE COPY OF THE ORDER DTD.16.7.2015 OF THE PRESIDENT OF THE 1ST RESPONDENT.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.M. SHAFFIQUE, J.

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W.P. (C) No. 27432 of 2013

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Dated this, the 13th day of November, 2015

J U D G M E N T

Petitioner had approached this Court *inter alia* challenging the nomination of 5th respondent from being a member of Dental Council of India (for short 'DCI'). It is now submitted by the learned counsel appearing on either side that the nomination of the 5th respondent Dr. Debashis Banerjee has already been withdrawn by the University as per Ext.P14 and the DCI by Ext.P16 recommended to the Central Government to withdraw his nomination. The matter is now pending before the Central Government. In such circumstances, learned counsel for the petitioner only seeks for a direction to the Central Government to dispose of the matter within a time frame.

2. Learned counsel for the petitioner also placed reliance on an order issued by the High Court of Patna wherein the 5th respondent had filed a petition and in that case, it was observed that since the University as well as the DCI have approached the

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Government of India for setting aside election of the petitioner to DCI, there is no reason to proceed with the contempt application. Learned counsel appearing for the 5th respondent would however submit that this writ petition is not maintainable as this Court does not have territorial jurisdiction to entertain the writ petition.

3. Be that as it may, since the petitioner does not seek for any substantial relief and when it is an admitted position that the issue is pending before the Central Government, I only observe that the matter may be considered by the Central Government in accordance with the procedure prescribed. This may be done within a period of four months from the date of receipt of a copy of this judgment.

With the above observation, this writ petition is closed.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

13/11/2015

//True Copy//

P.S to Judge