

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.09.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE  
and  
The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.34597 of 2012

Dr.B.R.Ambedkhar Educational Trust  
represented by its Secretary Mr.B.Bose  
Ranipettai, Walajah Taluk,  
Vellore District ..... Petitioner

Versus

1.The Secretary to Government  
Ministry of Health and Family Welfare  
Government of India,  
Nirman Bhawan, Maulana Azad Road,  
New Delhi 110 011.

2.The Secretary  
Dental Council of India  
Aiwan-E-Galib Marg  
Kotla Road, Temple Lane,  
New Delhi 110002.

3.The Registrar  
Tamil Nadu Dental Council  
Arihant Majestic Towers  
5-0-3, No.216, Jawaharlal Nehru Salai  
Koyambedu, Chennai 600 107

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Declaration, declaring the Amended Rule 6(2) (h) of Dental Council of India (Establishment of New Dental Colleges, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity in Dental Colleges) Regulations, 2006 as amended by notification dated 22.05.2012 of the 2<sup>nd</sup> Respondent as unconstitutional, ultra vires of the provisions of the Dentist Act, 1948.

For Petitioner ::: No appearance  
For Respondents ::: Mr.S.Rathnasabapathy  
SPCCG for R.1  
Mr.S.Yashwanth for R.3  
Mr.S.Seethalakshmi for R.2

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

None appears for the petitioner. Mrs.S.Seethalakshmi, learned counsel appearing for the second respondent points out that in their counter affidavit in paragraph-39, they have referred to the Judgment of the Kerala High Court in Sunshine Educational & Charitable Trust vs. Union of India and others in W.P.No.20385 of 2012 dated 22.01.2013 deciding an identical issue against the petitioner therein.

2. That appears to be the reason for the non-presence on behalf of the petitioner.

3. The writ petition accordingly stands dismissed. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

ksr  
To

1.The Secretary to Government, Ministry of Health and Family Welfare  
Government of India, Nirman Bhawan, Maulana Azad Road,  
New Delhi 110 011.

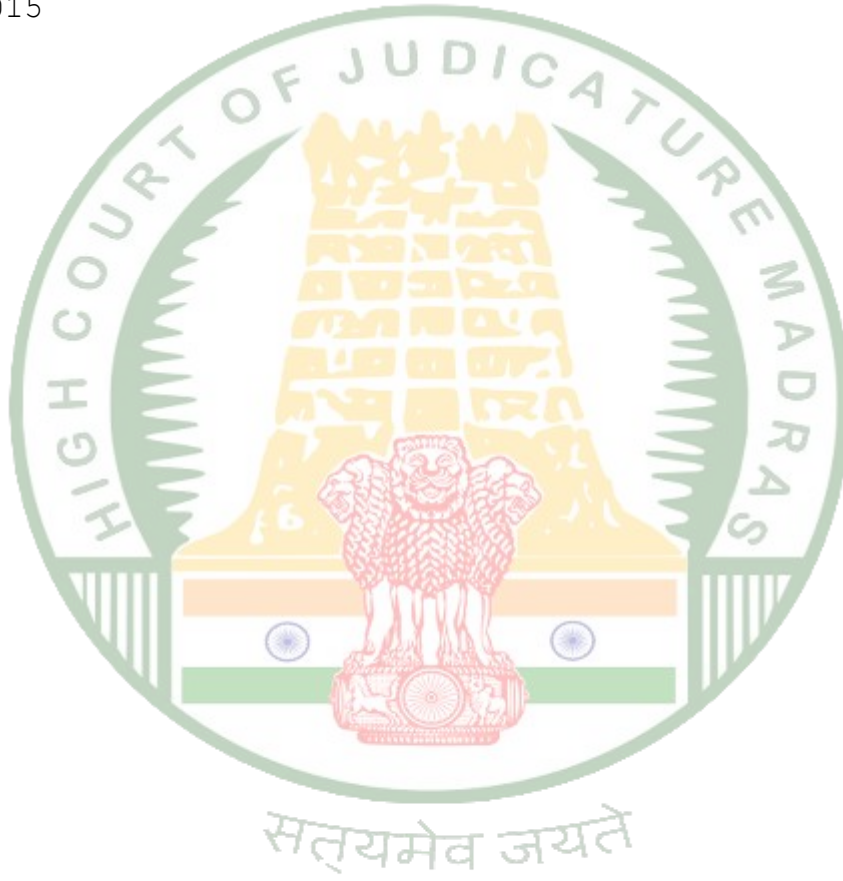
2.The Secretary, Dental Council of India  
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3.The Registrar, Tamil Nadu Dental Council  
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Koyambedu, Chennai 600 107.

+1 cc to M/S.M.Sriram Advocate sr.49350  
+1 cc to M/S.S.Seethalakshmi Advocate sr.49179

W.P.No.34597 of 2012

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