

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.28463 of 2011

25.06.2015

Between:

N.Esther, D/o N.Samul Sathyanandam

...Petitioner

And:

Dr. N.T.R. University of Health
Sciences, Vijayawada, repled by its
Registrar and another.

...Respondents

Counsel for the petitioner: Smt K.V.Raja Sree

Counsel for respondent No.1: Sri A.Prabhakar Rao

Counsel for respondent No.2: None appeared

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The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in discharging the petitioner from the B.D.S. course from respondent No.2-College as illegal and arbitrary.

I have heard Smt K.V.Raja Sree, the learned counsel for the petitioner and Sri A.Prabhakar Rao, the learned Standing Counsel for respondent No.1-University.

The petitioner was admitted in B.D.S. course in respondent No.2-College during the year 2008-09. As she could not pass all the subjects of 1st year B.D.S. course within three years from the date of admission, respondent No.1 has issued letter

No.9280/E31/BDS/2011, dated 19.09.2011, to the Principal of respondent No.2-College to discharge the petitioner and another student from the course in view of the Regulations of Dental Council of India and Dr.N.T.R. University of Health Sciences. Feeling aggrieved by this communication, the petitioner filed this Writ Petition.

On behalf of respondent No.1, its Registrar has filed a counter-affidavit, wherein it is *inter alia* stated that as per the Regulations of Dental Council of India, communicated, vide letter No.DE/130-2007/B-1858, dated 28.09.2007, if any student who does not clear all the subjects of the 1st year B.D.S. course within three years from the date of admission, he/she shall be discharged from the course. It is further stated that the said Regulations have been implemented from the academic year 2007-08; that the revised Regulations of Dental Council of India were intimated to all the Principals of Dental Colleges from the year 2007-08; and that as the petitioner failed to pass all the subjects of 1st year B.D.S. course within three years from the date of admission, the impugned letter was issued which is in conformity with the Regulations of Dental Council of India.

That the petitioner failed to pass all the subjects of 1st year B.D.S course within three years from the date of admission is not disputed by her. It is also not in dispute that the petitioner was admitted in the BDS course before the extant Regulations came into force. The Regulation, on which reliance is placed by respondent No.1 in the counter-affidavit, reads as under:

“B.D.S. Examination:

1. General anatomy including embryology

and histology

2. General human psychology and biochemistry

3. Dental Anatomy, Embryology and Oral Histology.

Any student who does not clear the first BDS University Examination in all subjects within three years from the date of admission, shall be discharged from the course.

Any candidate who fails in one subject in an Examination is permitted to go to the next higher class and appear for the subject and complete it successfully before he is permitted to appear for the next higher examination.”

In the face of the above reproduced Regulation, which remained unchallenged and the admitted fact that the petitioner failed to clear all the subjects of 1st year B.D.S course within three years from the date of admission, the impugned letter is perfectly legal and valid and the petitioner is not entitled to continue the B.D.S course.

For the above-mentioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, interim order, dated 20.10.2011, in WPMP.No.35148 of 2011 is vacated and WPMP.Nos.35148 of 2011, 20325 and 37727 of 2012 and 10748 of 2015 are disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

25th June, 2015

DR