

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6610 of 2015

=====

1. B.R. Ambedkar Institute of Dental Sciences & Hospital, Hari Om Nagar, New Bailey Road, District-Patna, through its Chairman, Raghvendra Narayan Rai, son of Lakshmi Kant Rai, resident of Avinash Bhawan, Police Colony, Ram Nagri Chowk, Ashiana Digha Road, P.S.-Rajiv Nagar, District-Patna

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Health & Family Welfare, (Dental Education Section), Government of India, New Delhi
2. Under Secretary, Medical Education Policy-II & Dental Education, Department of Health & Family Welfare, Ministry of Health & Family Welfare, Government of India, New Delhi
3. Dental Council of India, Kotla Road, New Delhi through its Secretary
4. President, Dental Council of India, Kotla Road, New Delhi
5. Secretary, Dental Council of India, Kotla Road, New Delhi

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Dr. Punam Kumari Singh, CGC

For Dental Council of India :- Mr. S. D. Sanjay, Sr. Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 15-03-2016

Judicial review is a right guaranteed under the Constitution of India and has been held to be a basic structure of the Constitution by various Constitution Bench decisions. If that be so, this Court is in agreement with the grievance raised by the petitioner that the Dental Council of India has been passing orders which has adverse effect on the right of the Institution and they do not get adequate time to seek a judicial review or remedy against such orders communicated at the fag end just before the Session is to begin.

We all know, so does the Dental Council of India, that a calendar has been fixed by the Hon'ble Supreme Court and all

exercises has to be done within the time frame fixed by the Hon'ble Supreme Court. Now, if a request of demand is made by the Institution for increasing the number of seats etc. and if such decisions are taken a week or two before the dead lines fixed by the Hon'ble Supreme Court, then virtually the fate of such Institution is sealed and the Institutions are denied the fundamental and constitutional right of seeking judicial review. This is an unacceptable position for this Court.

The Court gives a direction to the Dental Council of India that such decisions must be expedited and taken at-least two and a half months before the commencement of the academic calendar, giving adequate time to every Institution to challenge the order before a court of law and ensure that such decisions do not gain finality by default. This order will be communicated to the President of the Dental Council of India to ensure compliance.

With a heavy heart, the present writ application stands disposed of in the background that the order has been passed at the time when the calendar fixed by the Hon'ble Supreme Court has already defeated the right of the petitioner.

(Ajay Kumar Tripathi, J)

Amin/-

U			
---	--	--	--