

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.Nos.12855, 12856, 12857, 18338, 18343 & 15364 of 2012

W.P.No.12855, 12856, 12857 of 2012:

J.K.K.Rangammal Charitable Trust,
rep. by its Trustee S.Omm Sharravana,
No.230, Salem Main Road,
Komarapalayam-638 183.

.. Petitioner in
WP.No.12855/2012

K.S.R. Educational and Charitable Trust,
rep. by its Secretary R.Srinivasan,
K.S.R. Kalvi Nagar,
Kuchipalayam (PO),
Tiruchengodu-637 215.

.. Petitioner in
WP.No.12856/2012

T.N.Private Dental Colleges Association,
rep. by its President K.S.Rangasamy,
No.2/102, East Coast Road, Uthandi,
Chennai-600 119.

.. Petitioner in
WP.No.12857/2012

-vs-

1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Health and Family Welfare (MCA-1) Department,
Chennai-600 009.

2.The Tamil Nadu Dr.M.G.R. Medical University,
rep. by its Registrar,
No.69, Anna Salai,
Guindy, Chennai-600 032.

3.Selection Committee,
rep. by its Secretary,
Directorate of Medical Education,
162, E.V.R. Periyar Salai,
Kilpauk, Chennai-600 010.

4.The Dental Council of India,
rep. by its Secretary,
Aiwan-E-Galib Marg, Kotla Road,
New Delhi-110 002.

.. Respondents in
W.P.Nos.12855 to
12857/2012

W.P.No.18338, 18343 of 2012:
Ragas Dental College and Hospital,
rep. by its Secretary Prof.A.Kanagaraj,
2/102, East Coast Road,
Uthandi,
Chennai-600 119.

.. Petitioner in
WP.No.18338/2012

Sri Ramakrishna Dental College and Hospital,
Managed by S.N.R. Sons Charitable Trust,
rep. by its Managing Trustee C.Soundararaj,
S.N.R. College Road,
Coimbatore-641 006.

.. Petitioner in
WP.No.18343/2012

-vs-

- 1.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.
- 2.The Tamil Nadu Dr. M.G.R. Medical University,
rep. by its Registrar,
No.69, Anna Salai,
Guindy, Chennai-600 032.
- 3.Selection Committee to MDS Courses,
rep. by its Secretary,
Directorate of Medical Education,
162, E.V.R. Periyar Salai,
DME Complex, Kilpauk,
Chennai-600 010.
- 4.The Dental Council of India,
rep. by its Secretary,
Aiwan-E-Galib Marg, Kotla Road,
New Delhi-110 002.

.. Respondents in
W.P.Nos.18338 &
18343/2012

W.P.No.15364 of 2012:

Rajas Dental College & Hospital,
rep. by its Chairman,
Thirurajapuram,
Kavalkinaru Junction,
Thirunelveli District-627 105.

.. Petitioner

-VS-

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St. George,
Secretariat, Chennai-600 009.
- 2.The Committee to regulate-monitor the admissions
of Students to professional courses by self
financing professional arts and science colleges,
rep. by its Member Secretary,
Health and Family Welfare Department,
Fort St. George, Secretariat,
Chennai.
- 3.The Selection Committee to MDS Courses,
rep. by its Secretary,
Directorate of Medical Education,
Kilpauk, DME Complex,
Chennai-600 010.
- 4.The Tamil Nadu Dr. M.G.R. Medical University,
rep. by its Registrar,
No.69, Anna Salai,
Guindy, Chennai.
- 5.Dental Council of India,
rep. by its Secretary,
Aiwan-E-Galib Marg,
Kitla Road, Temple Lane,
New Delhi-110 002.
- 6.Tamil Nadu Private Dental Colleges Association,
rep. by its President,
2/102, East Coast Road,
Uthandi,
Chennai-600 019.

.. Respondents

W.P.Nos.12855, 12856, 12857 of 2012 are filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration declaring that the second proviso to Clause (2) of Section 1 of the Dental Council of India revised MDS Course Regulation, 2007 issued by the fourth respondent, the order of the first respondent in G.O.(Ms) No.65, Health and Family Welfare (MCA1) Department, dated 23.02.2012, the order of the second respondent in R.C.No.Affln.IV(2)/01665/2012, dated 22.03.2012 and the consequential order of the third respondent in Ref.No.2656/SCSII(1)/2011 dated 06.03.2012 as unconstitutional and unenforceable in that they are in violation of the categorical decision of the Honourable Supreme Court of India in the judgment in P.A. INAMDAR v. STATE OF MAHARASHTRA reported in (2005) 6 SCC 537.

W.P.Nos.18338, 18343 of 2012 filed under Article 226 of

the Constitution of India praying for issue of Writ of Declaration declaring that the second proviso to Clause (2) of Section 1 of the Dental Council of India revised MDS Course Regulation, 2007 issued by the fourth respondent, the order of the first respondent in G.O.(Ms) No.65, Health and Family Welfare (MCA1) Department, dated 23.02.2012 and the order of the second respondent in R.C.No.Affln.IV(2)/01665/2012, dated 22.03.2012 as unconstitutional and unenforceable in so far as the petitioner is concerned, in that they are in violation of the categorical decision of the Honourable Supreme Court of India in the judgment in P.A. INAMDAR v. STATE OF MAHARASHTRA reported in (2005) 6 SCC 537.

W.P.No.15364 of 2012 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to G.O.Ms.No.65, Health and Family Welfare (MCA1) Department, dated 23.02.2012 on the file of the first respondent and the consequential orders of the fourth respondent in Rc.No.Affln.IV (2)/01665/2012 dated 22.03.2012 and also the proceedings of the second respondent in Proc.No.COA/MDS-Medical/5130/2012, dated 11.05.2012 and quash the same and consequently permit the sixth respondent Association to conduct the Common Entrance Test and admission process for M.D.S. Course for their member institutions to all the seats as done for the previous academic years.

For Petitioner : Mr.R.Muthukumaraswamy
Senior Counsel
for
Mr.A.Jenaseen (in WP.Nos.12855 &
15364/2012)
: Mr.Kandhan Duraisami (in W.P.Nos.
12856 & 12857/2012)
: Mr.V.Sanjeevi (in WP.Nos.18338 &
18343/2012)

For Respondents : Mr.T.N.Rajagopalan
Spl. G.P. (Education) for R1 in
W.P.12855/2012; R1 & R3 in
W.P.12856,12857, 18338,
18343/2012 & R1 to R3 in
W.P.15364/2012
: Ms.S.Seethalakshmi, SPC for
R3 & R4 in W.P.12855/2012;
R4 in W.P.12856, 12857, 18338,
18343/2012 & R5 in
W.P.15364/2012

COMMON ORDER

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

The learned counsels for the petitioner state that the review filed before the Hon'ble Supreme Court has been allowed and the matter is now posted before the Constitution Bench, which would take care of all the issues.

2. The learned counsels concede that if the regulations are upheld by the Constitution Bench, nothing would survive for consideration in the present proceedings and it is only in the alternative that something would be left to be urged before us.

3. We see no purpose in keeping the writ petitions alive and close the same with liberty to revive the writ petitions, in case of later eventuality. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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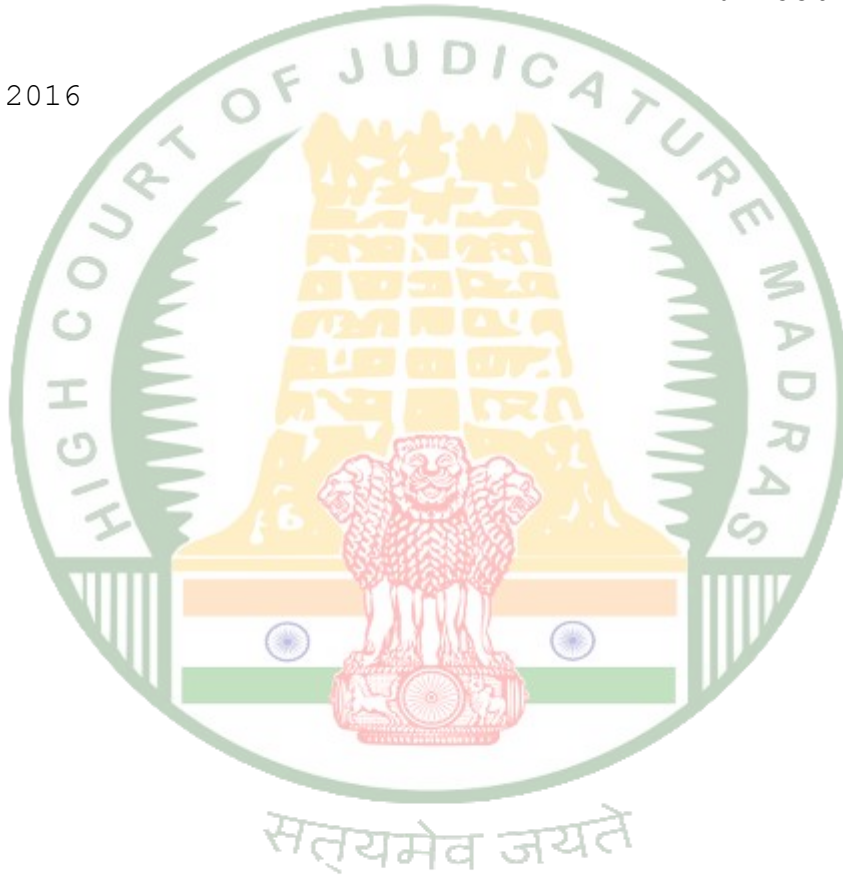
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- 2.The Member Secretary,
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- 3.The Secretary,
Selection Committee to MDS Courses,
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Kilpauk, DME Complex,
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- 4.The Registrar,
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Guindy, Chennai.

5.The Secretary,
Dental Council of India,
Aiwan-E-Galib Marg,
Kitla Road, Temple Lane,
New Delhi-110 002.

2 ccs to Mr.Anand David, Advocate, sr.25633 & 25634
1 cc to Dr.S.Seethalakshmi, Advocate, sr.25302
1 cc to The Government Pleader, sr.24929

W.P.Nos.12855 to 12857, 18338, 18343
& 15364 of 2012

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