

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.35875 of 2016

and W.M.P.No.30814 of 2016

Asan Memorial Dental College & Hospital,
Rep. by Mrs.Shymala
General Secretary,
Asan Memorial Group Association,
No.12, Dr.T.V.Road,
Chetpet, Chennai - 600 031. ... Petitioner

Versus

1. Union of India, rep. by
The Secretary,
Ministry of Health & Family Welfare,
(Dental Education Section), Nirman Bhawan,
Maulana Azad Road,
New Delhi - 110 011.

2. Dental Council of India,
Rep. by its Secretary,
Aiwan - Ghalib Marg.
Kotla Road, Temple Lane,
New Delhi - 110 002.

3. State Rep. by its Secretary,
Health and Family Welfare,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.

4. Director of Medical Education,
Directorate of Medical Education
162, EVR Periyar Salai, Kilpauk,
Chennai - 600 010.

5. Tamil Nadu Dental Council
Arihant Majestic Towers,
5-0-3. #216, Jawaharlal Nehru Salai,
Koyambedu, Chennai - 600 107.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the first respondent herein to act on the communication of the Dental Council of India/2nd respondent dated 03.10.2016 in Letter No.D3-130-2016/7312 expediently and lower the cut off marks of the NEET-II results by 10th percentile for the academic year 2016-2017, for admission to seats offering B.D.S.course and thereby regularizing the admissions of the students in the petitioner college for the Academic Year 2016-2017.

For Petitioner : Mr.B.Kumar, Senior Counsel
for M/s.P.Muthukumarasaamy

For R1 and R2 : Mr.Su.Srinivasan
Advocate General

For R3 to R5 : Mr.A.N.Thambidurai,
Special Govt. Pleader

ORDER

Today, when the matter is taken up for consideration, the learned Advocate General appearing for respondents 1 and 2 brought to the notice of this Court that by an order dated 06.10.2016, the Government of India has sent a communication to the State Government of Rajasthan, requesting the State Government to withdraw/cancel immediately its order dated 30.09.2016, lowering the percentile. Further, Dental Council of India, by communication dated 05.10.2016, has categorically observed that the power to lower down the percentile is vested only with the Central Government not with any State Government and in case of any admission is made, in terms of the such regulation, such admissions will be void ab initio.

2. In that view of the matter, the present request of the petitioner seeking to reduce the percentile, when an order is being passed by Government of India, cannot be granted. This petition is therefore closed for the present with liberty to the petitioner to make a representation to the respondents and it is for the respondents to consider it on merits. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Ministry of Health & Family Welfare,
(Dental Education Section), Nirman Bhawan,
Maulana Azad Road,
New Delhi - 110 011.
 2. Dental Council of India,
Rep. by its Secretary,
Aiwan - Ghalib Marg.
Kotla Road, Temple Lane,
New Delhi - 110 002.
 3. State Rep. by its Secretary,
Health and Family Welfare,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.
 4. Director of Medical Education,
Directorate of Medical Education
162, EVR Periyar Salai, Kilpauk,
Chennai - 600 010.
 5. Tamil Nadu Dental Council
Arihant Majestic Towers,
5-0-3. #216, Jawaharlal Nehru Salai,
Koyambedu, Chennai - 600 107.
- +1 CC to M/s.P.Muthukumarasaamy, Advocate Sr.No.57910.
- +1 CC to Government Pleader, High Court, Chennai. Sr.No.58175.

W.P.No.35875 of 2016

ACA(CO)
KP(12.11.2016)

WEB COPY