

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.37215 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioner joined the 1st year of the BDS Course for the academic year 2015-16 in the 4th respondent-College. But she was absent for a period of nearly 4 months, due to which she was detained in the 1st year.

2. Unfortunately, the 4th respondent-College was not granted approval for the academic year 2016-17 to admit any students in the 1st year. Therefore, the petitioner, being unable to pursue the 1st year of the course in the 4th respondent-College and unable to get promoted to the 2nd year in the same college has come up with the above writ petition seeking a transfer to the 5th respondent-College.

3. The relevant Regulations relating to migration, issued by the Dental Council of India read as follows:

“IV. Migration:

(1) Migration from one dental college to another is not a right of a student. However, migration of students from one dental college to another dental college in India may be considered by the Dental Council of India Only in exceptional cases on extreme compassionate grounds*, provided the following criteria are fulfilled. Routine migrations on other ground shall not be allowed.

(2) Both the colleges, i.e. one at which the student is studying at present and one to which migration is sought, are recognised by the Dental Council of India.

(3) The applicant candidate should have passed first professional BDS examination.

(4) The applicant candidate submits his application for migration, complete in all respects, to all authorities concerned within a period of one month of passing (declaration of results) the first professional Bachelor of Dental Surgery (BDS) examination.

(5) The applicant candidate must submit an affidavit stating that he/she will pursue, 240 days of prescribed study before appearing at IInd professional

Bachelor of Dental Surgery (BDS) examination at the transferee dental college, which should be duly certified by the Registrar of the concerned University in which he/she is seeking transfer. The transfer will be applicable only after receipt of the affidavit.

Note 1:

(i) Migration is permitted only in the beginning of IInd year BDS Course in recognised institutions.

(ii) All applications for migration shall be referred to Dental Council of India by the college authorities. No Institution/University shall allow migration directly without the prior approval of the Council.

(iii) Council reserves the right not to entertain any application which is not under the prescribed compassionate grounds and also to take independent decisions where applicant has been allowed to migrate without referring the same to the Council.

Note 2: *Compassionate ground criteria:

(i) Death of supporting guardian.

(ii) Disturbed conditions as declared by Government in the Dental College area.”

4. The power to grant migration vests with the Dental Council of India. The facts are not disputed. Therefore, the Dental Council of India is directed to consider the case of the petitioner and take a decision within a period of 2 (two) weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

G.SHYAM PRASAD, J.

28th November, 2016.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.37215 of 2016
(per VRS, J.)



28th November, 2016.
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