

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Appeal No.926 of 2016

and

Writ Petition No.29326 of 2016

COMMON JUDGMENT: *(Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)*

This Appeal, under Clause 15 of Letters Patent, is preferred by the Dental Council of India against the orders passed by the learned Single Judge in W.P.No.29326 of 2016 dated 14.09.2016. By the order under appeal, the learned Single Judge constituted an inspection team consisting of two Advocates of this Court to inspect the 2nd petitioner-College and file a report. The team of Advocates were to be supervised by Smt. G.Vijaya Lakshmi, Court Master of this Court, and the report was directed to be filed within three(3) days from the date of inspection under the counter signature of the Court Master. The Tahsildar concerned of Guntur District was directed to remain present at the 2nd petitioner-College during the course of inspection, and examine how much land the 2nd petitioner had for the purpose of College; and a report was directed to be transmitted to the inspection team and the Court Commissioners.

On the ground that the order was not complied with, the learned Single Judge initiated *suo moto* proceedings. When the appeal was listed before us on 29.09.2016, we directed that the contempt proceedings, initiated *suo moto* by the learned Single Judge, shall remain stayed.

Sri P.Gangaiah Naidu, learned Senior Counsel appearing on behalf of the respondents-writ petitioners, would submit that, in view of the passage of time, the relief sought for by the 2nd petitioner-College for grant of permission by the Central Government and Dental Council of

India, for establishing a Dental College for the Academic year 2016-17, no longer survives; it would suffice if this Court were to direct the respondents to consider the petitioner's application dated 25.09.2015, submitted for the academic year 2016-17, as an application seeking permission for the academic year 2017-18; and since the petitioner's request for grant of permission was rejected only on 29.07.2016 after the time stipulated under the Schedule for submitting an application for establishing a Dental College in the academic year 2017-18, it is only if this Court were to direct the respondents to consider the application, would the petitioner be entitled to have their application, for establishing a Dental College during the Academic year 2017-18, considered by the Central Government and the Dental Council of India. As fairly stated by Sri P.Gangaiah Nadu, learned Senior Counsel appearing on behalf of the writ petitioners, in view of passage of time, the relief sought for in the writ petition cannot be granted. Consequently, the order under appeal is set aside.

Sri P.Vishnuvardhan Reddy, learned Standing Counsel for the Dental Council of India, would contend that the time schedule fixed by the Central Government necessitates strict adherence; the time line stipulated therein cannot be deviated from; and, as the last date for submission of application for the Academic year 2017-18 expired on 07th July, 2016, the petitioner's application cannot be considered for the Academic year 2017-18 also.

We must express our inability to agree. The Schedule for receipt of application for establishment of a New Dental College, which stipulates the last date for receipt of application by the Central Government as 7th July of any year, also contains a note. Note 2 below the Schedule stipulates that the time schedule, indicated in the table,

may be modified by the Central Government for reasons to be recorded in writing, in respect of any class or category of applications. Further, the petitioner's application for establishing a Dental College, during the Academic year 2016-17, was rejected only on 29.07.2016, more than 3 weeks after 07.07.2016 which is prescribed in the Schedule as the last date for receipt of applications for grant of permission to establish a Dental College during the Academic year 2017-18. As the petitioner's application for establishing a Dental College during the Academic year 2016-17, was pending before the Central Government and the Dental Council of India even after 07th July, 2016 (which is the last date prescribed for receipt of applications by the Central Government), the 2nd petitioner-College could not have presumed that their application for the year 2016-17 would be rejected subsequently on 29.07.2016; and, based on such a premise, to have made an application for the Academic year 2017-18 before 07th July, 2016.

The very fact that the petitioner's application for establishing a Dental College for the Academic year 2017-18 was rejected only on 29.07.2016, three weeks after the last date for submission of applications for establishing a Dental College during the Academic year 2017-18, and as Note-2, below the Schedule, confers power on the Central Government to modify the time schedule indicated in the table, for reasons to be recorded in writing, we consider it appropriate to direct the Central Government to consider whether the application submitted by the petitioner, for the Academic year 2016-17, can be treated as an application for the Academic year 2017-18, in view of the peculiar circumstances afore-mentioned. The petitioner shall, however, pay all the fees required to be paid for scrutiny of their applications etc., within one(1) month from today. Needless to state that, except for the

prescription of the last date for submitting the application, all other conditions, prescribed under the DCI Regulations, for grant of permission to establish a Dental College, shall be fulfilled by the respondent-Writ Petitioners.

Sri P.Gangaiah Naidu, learned Senior Counsel for the writ petitioner, would submit that, in view of the order now passed by us, the Writ Petition can itself be disposed of. Both the Writ Appeal and the Writ Petition are, accordingly, disposed of. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in both the Writ Appeal and the Writ Petition shall also stand disposed of.

RAMESH RANGANATHAN, ACJ

U.DURGA PRASAD RAO, J

Dt: 15.12.2016
Scs/Murthy

