

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-169-2016 (O&M)
Date of Decision: July 25, 2016

The Dental Council of India

.....Appellant

Versus

Ms Sukhmeen Madan and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Ms.Vriti Gujral, Advocate for
Mr.M.S.Longia, Advocate
for the appellant.

Mr.Mansur Ali, Advocate
for respondent No.1-caveator.

Mr.Indresh Goel, Advocate
for respondent Nos.2 and 3.

.....

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

SURYA KANT, J.

This Letters Patent Appeal is directed against order dated
17.11.2015 whereby learned Single Judge accepted the claim of the

respondent -writ petitioner for admission in the BDS course out of the waiting list and against a vacant unutilised seat and has further turned down the objection regarding expiry of cut-off date for such admissions.

Learned Single Judge has further directed the College to provide extra classes to the respondent-writ petitioner so as to make good the deficiency in practical experience.

The Dental Council of India is primarily aggrieved by the order under appeal to the extent it has over-ruled the objections regarding expiry of cut-off date.

It is, however, not in dispute that the respondent-writ petitioner has completed first year of BDS Course and has appeared in the examination also. The deficiency in practical experience was also taken care of by providing extra classes to her. In this view of the matter, it may not be fair, just or equitable to disrupt the career pursuits of the respondent-writ petitioner at this juncture.

There is some merit in the appellant's plea that cut off date is sacrosanct and ordinarily it deserves to be adhered to. However, in the light of the subsequent events, noticed above, it is not necessary for us to go into this question as the appeal in a way has been rendered infructuous.

We, thus, dispose of the appeal as infructuous, leaving the

question of law open with a further clarification that the observations made by learned Single Judge with reference to the mandatory nature of the cut-off date are left open with liberty to the appellant to re-agitate the issue at an appropriate stage.

**(SURYA KANT)
JUDGE**

July 25, 2016
meenu

**(DARSHAN SINGH)
JUDGE**