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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 13.01.2016

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Pronounced on: 25.01.2016

+ LPA 24/2016 & CM No.1139/2016 (stay)

PANINYA SANSKRIT COLLEGE TRUSTAppellant

Through Mr.Vivek Sharma, Adv. with
Ms.Mamta Gautam and Mr.Prabjit Chhabra,
Advs.

Versus

UNION OF INDIA & ORS.

....Respondents

Through Mr.Dev P.Bhardwaj, CGSC for
UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J.

1. The present appeal is filed seeking to impugn the order of the learned Single Judge dated 26.8.2015 passed in W.P.(C) No.2498/2011. The appellant filed the Writ Petition seeking a Writ in the nature of Mandamus or direction to respondent No.1/Union of India to

revoke/withdraw the permission granted to respondent No.8 herein, namely, Paniniya Mahavidyalaya Institute of Dental Sciences and Research Centre vide letter dated 31.3.2009 for the MDS course for the Academic Year 2009-10 and subsequent renewal for 2010-11 and for quashing the said permission after following the provisions of section 16-A of the Dentists Act, 1948. Other reliefs were also sought.

2. It was the contention of the appellant in the Writ Petition that it established the dental college and made an application in this regard to the concerned authorities. The Ministry of Health and Family Welfare, Government of India issued a letter of intent dated 25.09.2003 whereby the petitioner was informed that the respondent Dental Council of India had recommended to the Ministry for grant of permission for starting a dental college. Subsequent to satisfaction of the stipulated conditions, respondent No.1 issued a letter of permission dated 29.09.2003 under section 10A(4) of The Dentists (Amendment) Act, 1993 for establishment of a new dental college for the Academic session 2003-04 having an annual admission capacity of 100 students in the BDS Course.

3. It is the contention of the appellant that it was approached by respondent No.6 and it is he who convinced the appellant to establish a new and separate trust respondent No.5 with the sole object of setting up of the medical college. It is urged that respondent No.6 lured Mr.D.N.Shastry the Settlor and founder of the appellant trust to sign various blank papers, stamp papers on one pretext or the other with the offer to assist him in the management of the dental college. It is urged that the said respondent No.6 had nefarious intentions to usurp the college in collusion with the principal respondent No.7 and began wielding

control of the college. It is further averred that respondent No.5 in collusion with respondent No.7 have illegally and without the consent of the appellant applied for permission for starting the MDS course by misrepresentation and by fabricating documents. The writ petition is replete with such allegations being made against respondents No.5 to 7.

4. It is further pointed out that aggrieved by the act of respondent No.5/trust in trying to usurp the management and functions and land of the dental college in connivance with respondents No.6 and 7, the appellant filed an earlier Writ Petition being W.P.(C) 7297/2010 seeking a writ of mandamus directing Union of India to revoke the permission for the MDS course that was being run in the dental college without the knowledge and consent of the appellant. The writ petition was disposed of on 29.10.2010 by this Court granting liberty to the appellant to make a representation to the Ministry of Health and Family Welfare and the Dental Council of India for redressal of its grievances. The appellant is stated to have made a detailed representation to respondents No.1 and 2.

5. A perusal of the impugned order passed by the learned Single Judge shows that on 20.04.2011 notice was issued limited to the aspect of legality and validity of the permission granted to respondent No.5 Trust to run the MDS course on the land on which the appellant claims ownership. The impugned order further notes that the dental college is running from the year 2003. Despite this the appellant has initiated no proceedings to take back control and management of the dental college. The order also noted that the appellant has filed the present writ petition seeking cancellation of the commencement of the MDS course only and has not challenged the fact that the college is running a BDS course also.

It was also noted that no additional land is required for imparting education in the MDS course. The impugned order also noted that the appellant has filed no documents showing ownership of the land on which the Dental college is situated.

6. The order also notes the submission of the learned counsel for Dental Council of India that the said Council deals with grant of permission only to colleges and not to the trust or society which has set up or established the college. Hence, the order concludes that the inter se disputes on the control and management of the Dental College between the appellant and respondent No.5, cannot be allowed to interfere with imparting of education in the MDS programme by the Dental College. Further, the jurisdiction of this Court under Article 226 of the Constitution of India cannot be permitted to be invoked for oblique motives. The petition was dismissed with liberty to the appellant to take steps for appropriate proceedings in accordance with law.

7. We have heard learned counsel for the parties and gone through the record. Counsel for the appellant has basically reiterated his contention that the land belongs to the appellant and hence the respondents could not have granted permission to respondent No.8 College to commence the MDS course in the college.

8. In our opinion, there is no infirmity in the conclusions drawn in the impugned order. There are civil disputes between the appellant and respondents No.5 to 7. Civil disputes regarding management and control of the College cannot become a subject matter or basis of a writ petition seeking cancellation of recognition of any educational course. The appellant's remedy is to approach the appropriate forum for settlement of

the disputes between the appellant and respondents No.5 to 7. We see no reason to interfere in the impugned order. The appeal is dismissed.

(JAYANT NATH)
JUDGE

(CHIEF JUSTICE)

JANUARY 25, 2016
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