

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1486 of 2015

In

Miscellaneous Jurisdiction Case No. 796 of 2015

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Mithila Minority Dental College and Hospital through its Managing
Director Imbesat Shaukat, Ekami, Laheria Sarai, Darbhanga.

.... Petitioner

Versus

1. The Union of India, through Sri B.P. Sharma, the Secretary, Health and Family Welfare, Nirman Bhawan, New Delhi.
2. The Dental Council of India through Sri Col. (Retd.) Dr. S.K. Ojha, Secretary, Aiwan-e-Ghalib Marg, Temple Lane, Kotla Road, New Delhi.
3. The State of Bihar through Sri Brajesh Mehrotra, the Principal Secretary, Health Medical Education and Family Welfare, Government of Bihar, Patna.
4. L.N. Mithila University through Sri Ajeet Kumar Singh, the Registrar, Kameshwar Nagar, Darbhanga.
5. Sri Ajeet Kumar Singh, the Registrar, Kameshwar Nagar, Darbhanga.
6. The Chancellor of Universities, Raj Bhawan, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Nadeem Sheraz, Advocate
		Mr. Shailesh Kumar, Advocate
For the Respondent(DCI)	:	Mr. S.D. Sanjay, ASG
For the U.O.I.	:	Mr. Sujeet Kumar Sinha, Advocate
For the Chancellor	:	Mr. Rajendra Kr. Giri, Advocate
For the University	:	Mr. Chandra Mohan Singh, Advocate
For the State	:	Mr. Chandra Shekhar Singh, AC to G.A.10

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

7. 17-02-2017

Heard learned counsel for the parties.

It is regrettable that in spite of earlier orders,
the matter being serious, there is no counter affidavit on
behalf of the Chancellor, which is a must.

The petitioner had applied for post-graduate
course being Master in Dental Surgery. It got the
requisite essentiality certificate from the State



Government. The Dental Council of India (in short “DCI”) which is the apex body granted permission. The Central Government granted approval. The L.N. Mithila University, Darbhanga granted affiliation for the said course, but when the matter went to the Chancellor of Universities, Bihar, the Chancellor, even without any notice, cancelled the affiliation granted by the University. The issues are whether the Chancellor had such an authority, and effect being that the recommendation and permission granted by the DCI could be taken away by the Chancellor, especially when the University also granted affiliation.

Sri Rajendra Kumar Giri, learned counsel for the Chancellor submits that it was a *bona fide* mistake from the Chancellor’s Secretariat. He states that now the Senate and Syndicate of the University have conducted the MCI regulation in respect of the MDS Courses, and that being so, the affiliation earlier granted for the said courses to the petitioner’s institution becomes fully valid.

In view of the fair stand taken on behalf of the Chancellor, I do not think that any useful purpose will be served by keeping this application pending any longer.



Learned Additional Solicitor General of India has no objection.

This application is, accordingly, disposed of in the hope that in future also no unwarranted interference is there with the functioning of the institution.

(Navaniti Prasad Singh, J.)

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