

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2017

Coram

The Hon'ble Mr. Justice S.M. Subramaniam

Writ Petition No. 20468 of 2003

and

W.P.M.P.No. 25534 and 25535 of 2003

Sri Balaji Charitable and Educational Trust,  
No. 521/2 Anna Salai,  
Chennai 600 002, rep by its  
Managing Trustee, T.G. Balaji.

...Petitioner

Vs.

1. The State of Tamil Nadu,  
rep. by Secretary to Government,  
Health and Family Welfare Department,  
Fort St. George, Chennai - 600 009.
2. The Director of Medical Education,  
Chennai - 600 010.
3. The Union of India,  
rep. by Secretary to Government,  
Ministry of Health and Family Welfare,  
New Delhi.
4. The Dental Council of India,  
rep. by its Secretary, Temple Lane,  
Kotla Road, New Delhi.  
(R-3 and R-4 impleaded as per this Court's order,  
dated 09.03.2004, in W.P.M.P.No. 2865/2004.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records, comprised in the proceedings of the first respondent, dated 05.06.2002, in letter (D) No. 882, Health and Family Welfare Department, and to quash the same as arbitrary and illegal and consequently, to direct the respondents to issue NOC/Essentiality Certificate to the petitioner for the starting of the Dental College in accordance with law within a reasonable time, to enable the petitioner to approach the Dental Council of India, and the Central Government for grant of permission under Section 10-A of the Dentists Act.

For Petitioner : Mr.R.Parathasarathy

For Respondents 1&2 : Mr.A.Zakkir Hussain  
Govt. Advocate

For Respondents-3 : Mr.J.Madanagopal  
SCCG

For Respondent-4 : Mr.Perumbulavil Radhakrishnan

O R D E R

The petitioner has filed this Writ Petition, seeking to quash the proceedings issued by the first respondent/State, dated 05.06.2002, and consequently, to direct the respondents to issue NOC/Essentiality Certificate to the petitioner for starting a Dental College.

2. The petitioner is a Charitable Trust, running under the name and style "Sri Balaji Charitable and Educational Trust". The petitioner-Trust proposed to start a Dental College, for which purpose, Essentiality Certificate is required. Hence, they made an application to the first respondent, seeking for the said Certificate. The application has been rejected by the first respondent, by the impugned order, on the ground that there are certain deficiencies, which have to be fulfilled by the petitioner.

3. Heard the learned counsel appearing for the parties concerned and perused the order, impugned in this Writ Petition. On a perusal of the impugned order, this Court is of the view that deficiencies pointed out by the first respondent are serious in nature, and under those circumstances, the request made by the petitioner came to be rightly rejected by the first respondent, and the same does not call for interference. The petitioner should first fulfill and comply with the essential requirements, as pointed out by the first respondent in the impugned order, and only upon fulfilment of the same, they should seek for issuance of the Essentiality Certificate. Even after a lapse of thirteen years, learned counsel for the petitioner is unable to inform this Court as to whether the deficiencies cited in the impugned order are complied with or not. Under these circumstances, no useful purpose will be achieved by considering the grounds raised by the petitioner.

Accordingly, the Writ Petition fails and it is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sd

To

1. The Secretary to Government,  
State of Tamil Nadu,  
Health and Family Welfare Department,  
Fort St. George, Chennai - 600 009.
2. The Director of Medical Education,  
Chennai - 600 010.
3. The Secretary to Government,  
The Union of India,  
Ministry of Health and Family Welfare,  
New Delhi.
4. The Secretary, Temple Lane,  
The Dental Council of India,  
Kotla Road, New Delhi.

+1cc to Mr.Perumbulavil Radhakrishnan, Advocate in sr.no.19274  
+1cc Mr.J.Madanagopal, Advocate in sr.no.19308

Writ Petition No.20468 of 2003

KK(CO)  
NR 13/07/2017

सत्यमेव जयते

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