

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.43010 of 2016 and
WMP.No.36861 of 2016

Fathima Thameema PK

...Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Health and Family Welfare (ME) Department,
St. George Fort,
Chennai-9.
2. The Secretary,
The Dental Council of India,
Aiwan-B-Galib Marg,
Kotla Road,
Temple Lane,
New Delhi-110 002.
3. The Registrar,
Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai,
Guindy, Chennai-32.
4. The Director,
Directorate of Medical Education,
Kilpauk, Chennai-10.
5. The Principal,
Sri Venkateswara Dental College and
Hospitals, Thalambur,
Kancheepuram District-600 130.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Mandamus, directing the respondents to migrate/transfer the petitioner from the 5th respondent college to the Government Dental College for the second year BDS Course on the application made by the petitioner on 24.11.2016 to the 1 to 4 respondents.

For Petitioner : Ms.I. Bobby Portia for
Mr.K.P.Satish Kumar

For Respondents : Mr.V.Anandamoorthy,
Additional Government Pleader
for R1 and R4
Mrs.S.Seethalakshmi for R2
Mr.G.Hari Hara Arun Soma Sankar
for R3

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to migrate/transfer the petitioner from the 5th respondent college to the Government Dental College for the second year BDS Course on the application made by the petitioner on 24.11.2016 to the 1 to 4 respondents.

2. The case of the petitioner is that the Selection Committee selected the petitioner for BDS Course in Government Quota and allotted her a seat in Sri Venkateshwara Dental College and Hospitals at Thalambur, Kancheepuram District and the petitioner has completed the 1st year BDS Course in the 5th respondent college with more than 75% of attendance and passed the 1st year BDS with two distinctions and one honour.

3. The further case of the petitioner is that due to an accident on 13.09.2010, she was affected by Lumbar Lordosis - muscle spasm. Further, the D3 and D4 disc of the back bone was dislocated and she undertook treatment for Lumbar Lordosis. For that, apart from regular medication, the petitioner should take Physiotherapy treatment for Lumbar Lordosis. Now, the grievance of the petitioner is that since she is residing at Kellys, Chennai, it is too difficult to go to college bus from Kilpauk, Chennai to Thalambur, Kancheepuram which is 42 kms. in distance. Further the petitioner fell in malarial fever on 21.08.2015 which also increased the Lumbar Lordosis disease. In this situation, in the interest of his health and studies, it is necessary to shift her BDS studies from Thalambur, Kancheepuram to Chennai to get better treatment and to reduce the strain causing due to the dislocation of D4 and D3 in the Vertebrae.

4. While so, the petitioner came to know that there are 20 more seats are vacant in the second year BDS Course in the Government Dental College at Chennai. The petitioner has given application to respondents 1 to 4 for migration of her II Year BDS Course from 5th respondent college to the Government Dental

College at Chennai on 24.11.2016. But, no steps have been taken so far. Hence, the present Writ Petition.

5. After elaborate arguments on both sides, the learned Additional Government Pleader for the respondents 1 and 4 would submit that if an application is sent through the Principal of the College in which the petitioner is studying within the parametres of the Dental Council Norms, steps will be taken to consider the grievance of the petitioner on merits and in accordance with law.

6. In view of the above submission of the learned Additional Government Pleader for the respondents 1 and 4, for seeking transfer from 5th respondent Dental College to the Government Dental College at Chennai on the ground of ill-health, the petitioner is directed to approach the University with necessary certificates and recommendation from the college and thereafter, after producing the same, the University give necessary 'No Objection Certificate' and forwarding the same to the Dental Council of India along with a copy of this Order, the Dental Council will pass appropriate orders for transfer, if it is otherwise in order, within a period of one month from the date of receipt of a copy of this Order along with the 'No Objection Certificate'.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Health and Family Welfare (ME) Department,
St. George Fort,
Chennai-9.

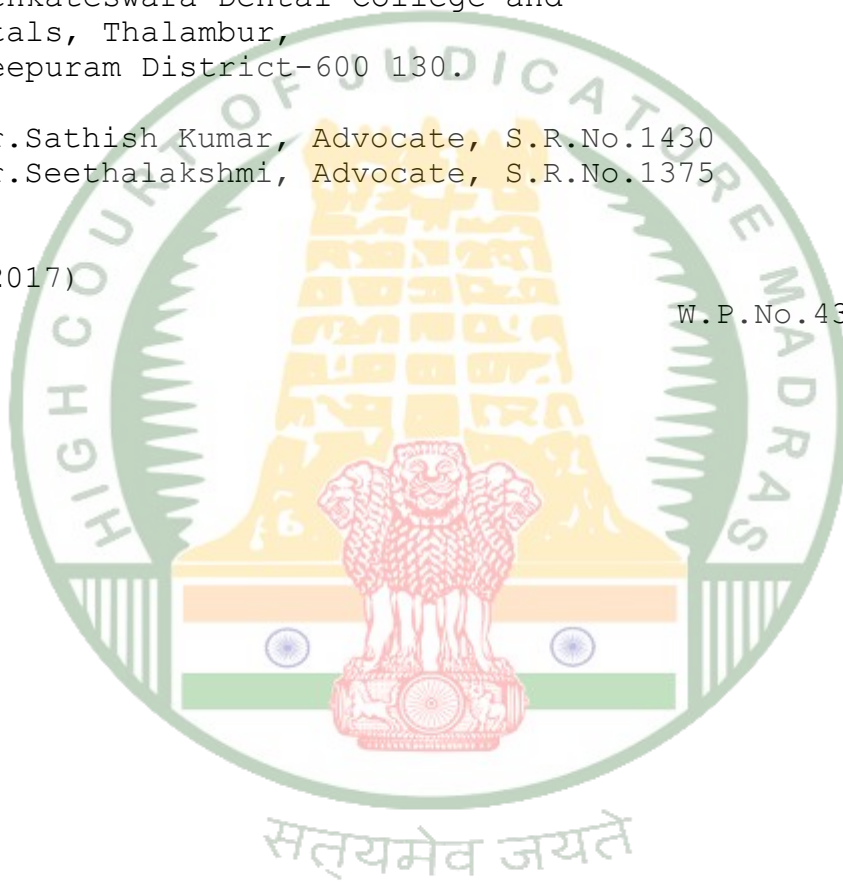
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Kancheepuram District-600 130.

+1cc to Mr.Sathish Kumar, Advocate, S.R.No.1430
+1cc to Mr.Seethalakshmi, Advocate, S.R.No.1375

SR(CO)
RS(25/01/2017)

W.P.No.43010 of 2016



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