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

+ W.P.(C) 3515/2017 & CM Appl. no. 15356/2017

ANHAD RAJ SINGH

..... Petitioner

Through :Mr. Vishwajit Singh, Mr. R.M. Sharma, Ms. Apporva Agrawal, Mr. Sanjay K. Shandilya, Ms. Ridhima Singh and Mr. Hemant Sharma, Advs.

versus

DENTAL COUNCIL OF INDIA & ANR

..... Respondents

Through :Ms. Anju Gupta and Mr. Roshan Lal Goel, Advs. for respondent no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **25.04.2017**

Presently, petitioner is studying in M.N.D.A.V. Dental College & Hospital, Solan. He applied with the respondent no.1, for allowing his migration to Baba Jaswant Singh Dental College, Ludhiana from the M.N.D.A.V. Dental College and Hospital, Solan on medical grounds. It is noted that petitioner is resident of Chandigarh. He alleged that he is asthmatic and high altitude climate is not suitable for him. Petitioner's request has been rejected by the respondent no.1, vide Annexure P-12, which reads as under:-

“SUB:-Request for Migration from MNDA Dental College, Solan to Baba Jaswant Singh Dental College, Ludhiana in 2nd year BDS Course on Medical ground-Mr.Anhad Raj Singh-

Sir,

I am directed to refer to your letter dated 10.2.2017 alongwith the other documents thereby requested DCI for your migration on medical ground/ill health and to say that the Executive Committee of the Dental Council of India in its meeting held on 09.03.2017 considered your letter referred to above and after some discussion and deliberation, decided as under:-

“The Executive Committee has examined the matter strictly in consonance with the statutory provision of migration, prescribed in the Revised BDS Course Regulation, 2007, according to which migration is allowed only on two grounds i.e.(i) Death of supporting guardian & (ii) Disturbed conditions as declared by Govt. in the Dental College area, but in the present case, the migration has been sought for only on medical ground which is not permissible under the Regulation.

Moreover, the Hon’ble High Court of Madhya Pradesh at Jabalpur-in the W.P.No.7836/2016, in the matter of Sh.Anand Rai Vs. Medical Council of India & Ors. has, inter-alia, directed DCI to strictly compliance to Regulation of migration without deviation therefrom, the request of applicant for migration from MNDA Dental College, Solan to Baba Jaswant Singh Dental College, Ludhiana in 2nd year BDS course may not be acceded to.

With the above, the decision of the Executive Committee of the DCI is communicated to you for your information and ready reference.

Yours faithfully,

(Dr.Sabyasachi Saha)
Secretary
Dental Council of India.”

Regulations do not permit migration on the ground taken by the

petitioner. In the the impugned order dated 5th April, 2017, it has also been mentioned that High Court of Madhya Pradesh has directed the compliance of Regulations regarding migration strictly.

Be that as it may, since migration can be permitted only on two grounds, as per the revised BDS Course Regulation, 2007, I do not find any jurisdictional error in the impugned order.

Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

APRIL 25, 2017

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