

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1903 of 2015
IN
Civil Writ Jurisdiction Case No. 7546 of 2015**

=====

Dr. S.M. Naqui Imam Dental College & Hospital, Bahera, District Darbhanga
through its Secretary S.M. Ali Imam S/o Late S.M. Zareef Resident of Village
Bahera, Police Station Bahera, District Darbhanga (Bihar).

.... Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.
2. The Under Secretary to the Government of India, Ministry of Health & Family Welfare (Dental Education Section), Nirman Bhawan, New Delhi.
3. The Dental Council of India through its Secretary, Kotla Road, New Delhi.
4. Dr. Dibyendu Mazoomda, the President, Dental Council of India, Kotla Road, New Delhi.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr Sanjay Kumar, Advocate
For the Respondent/s : Mr. S D Sanjay, Addl. S.G.
Ms. Parul Prasad, Advocate

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 03-01-2018

Seeking exception to an order dated 25.08.2015 passed by
the learned Writ Court in CWJC No. 7546 of 2015 this appeal has
been filed under Clause 10 of the Letters Patent.



Challenge in this writ petition was made to a decision of the Government of India in the Department of Health stopping admission against 60 seats of BDS Course for the academic session 2013-2014. The learned Writ Court after evaluating various aspects of the matter granted liberty to the petitioner to initiate process for grant of approval afresh, granted the Dental Council of India to constitute an Inspection Team to objectively and fairly assess the requirement of the petitioner and thereafter take a decision.

Now, in this appeal the petitioner – appellant wants to point out that in a case similarly situated colleges without any inspection the Government of India has granted recognition and the petitioner should be granted the similar facility. We are not inclined to interfere into the matter.

The learned Writ Court has already issued direction to the Dental Council of India to constitute an Inspection Team, assess the requirement in the petitioner's institute objectively and thereafter proceed to grant approval for the next academic session in accordance with law. Merely because in some other institute recognition has been granted as canvassed by the appellant we see no reason to interfere with the reasonable order in this regard passed by the learned Writ Court which in our view is in accordance with law.

Accordingly, finding no case for making any indulgence



we dispose of the appeal reiterating the directions issued by the learned Writ Court.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04/01/2018
Transmission Date	

