

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM:
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.5332 OF 2018

The Principal,
RVS Dental College & Hospital,
242-B, Trichy Road,
Kumaran Kottam Campus,
Kannampalayam - 641 402
Coimbatore District.

...Petitioner

Vs.

1. The Union of India,
represented by its Secretary,
Ministry of Health & Family Welfare,
(Dental Education Section),
Nirman Bhawan, New Delhi.
2. The Dental Council of India,
Aiwan-E-Galib Marg,
14, Sector 8, Dwaraka,
New Delhi - 110 077
rep. by its Secretary.
3. The State of Tamil Nadu ,
rep. by its Secretary,
Department of Health & Family Welfare,
Fort St. George, Chennai 600 009.
4. The Director of Medical Education,
Directorate of Medical Education,
162, Poonamallee High Road,
Kilpauk, Chennai 600 010.

5. Tamil Nadu Dr. M.G.R. Medical University,
P.B.No.1200, No.69, Anna Salai,
Guindy, Chennai 600 032.
rep. by its Registrar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records relating to the impugned order passed by the 1st Respondent in Ref.No.Nil, dated 16.02.2018, stopping admission of students to BDS course in the petitioner's RVS Dental College and Hospital at Coimbatore for the academic year 2018-2019, quash the same.

For Petitioner	:	Mr.Isaac Mohanlal, Senior Counsel for M/s.Isaac Chambers
For 1st Respondent	:	Mr.J.Madana Gopal Rao
For 2nd Respondent	:	Mr.S.Seethalakshmi
For Respondents 3 & 4	:	Mr.A.Rajaperumal, Addl. Government Pleader

ORDER

Petitioner has come up with the present Writ Petition seeking to quash the impugned order dated 16.02.2018 passed by the 1st Respondent, on the ground that the said order has been passed without assigning any reason and that a copy of the Inspection Report has not been furnished to them.

2. According to the Petitioner, their College has been functioning with the recognition of the 1st Respondent-Union of India and it has got all infrastructures and instructional facilities. After grant of permanent recognition, the Respondents are conducting periodic inspections in their College. While so, the 2nd Respondent issued proceedings dated 21.07.2017, pointing out certain deficiencies and directed the Petitioner-College to rectify the same and report to the Council within 15 days. According to the Petitioner, though most of the deficiencies were not actual deficiencies, they rectified the same and submitted the compliance Report to the 2nd Respondent on 21.08.2017. While so, the 2nd Respondent conducted another inspection in the Petitioner-College on 09.10.2017 and 10.10.2017 based on the Compliance Report. On 09.10.2017, when the inspection was conducted, out of 59 teaching staff, 6 teaching staff were on Medical Leave and 2 staff were on maternity leave. On the next date of inspection, viz. 10.10.2017, of the said 6 staff, only one staff was on Medical leave.

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3. That apart, the Inspection Committee verified the rectification of deficiencies pointed out vide the proceedings of the 2nd Respondent/Dental Council of India, dated 21.07.2017 and they were satisfied that the earlier deficiencies were fully complied with. On overall

inspection, the Committee was fully satisfied with the infrastructural and instruction facilities available in the College at the time of inspection. However, the Inspection Report was not furnished by the Council.

4. The Petitioner was surprised to receive a letter dated 19.01.2018 from the 1st Respondent, wherein, it was stated that the 2nd Respondent, vide proceedings dated 22.12.2017, has recommended to stop admissions and withdrawal of recognition of the College from the academic year 2018-2019. The 1st Respondent directed the Petitioner to appear for personal hearing on 24.01.2018 at 10.00 a.m. in the Ministry along with the compliance Report. After the personal hearing, no Report was furnished for no reason. While so, the 1st Respondent issued impugned proceedings dated 16.02.2018 accepting the recommendation of the 2nd Respondent/Dental Council of India and Hearing Committee regarding stoppage of admission in BDS Course from the academic year 2018-2019 and directed the Petitioner not to admit any student in the College from the academic year 2018-2019. However, the 1st Respondent has not assigned any reason for such impugned action.

5. Heard the learned counsel for the parties and perused the material documents available on record.

6. Considering the facts and circumstances of this case, as the impugned order has been passed without assigning any reason, this Court feels it appropriate to interfere with the same. **Accordingly, the same is quashed and the matter is remitted to the 1st Respondent for fresh consideration.** The 1st Respondent is directed to send a copy of the Inspection Report to the Petitioner-College within a period of one week from the date of receipt of a copy of this order and thereafter, the Petitioner-College is directed to file their objections on the same within one week. On receipt of objections from the Petitioner-College, the 1st Respondent shall fix a date for personal hearing of the Petitioner-College and pass fresh orders in accordance with law on or before 27.07.2018. If the Petitioner fails to appear on the date fixed, orders can be passed recording their absence and the Petitioner cannot, at a later date contend that no opportunity of personal hearing was given.

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The Writ Petition is allowed with the above direction. No costs.

Consequently, connected W.M.P.Nos.6551 and 6552 of 2018 are closed.

29.06.2018

Index : Yes

Internet : Yes

Speaking Order : Yes

Note to Registry: Issue copy of this order on or before 02.07.2018.

(aeb)

To:

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represented by its Secretary,
Ministry of Health & Family Welfare,
(Dental Education Section), Nirman Bhawan, New Delhi.
2. The Secretary,
Dental Council of India,
Aiwan-E-Galib Marg, 14, Sector 8, Dwaraka, New Delhi - 110 077.
3. The Secretary,
State of Tamil Nadu, Department of Health & Family Welfare,
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S.VAIDYANATHAN,J.

(aeb)



Order in
W.P.No.5332 of 2018

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