

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE MS JUSTICE J. UMA DEVI

Writ Petition Nos.43792 and 44147 of 2017

Date: 22-10-2018

W.P.No.43792 of 2018

Between:

Gaddam Prasanth, S/o Emmanuel, aged about 20 yrs,
Occ: Student, R/o D.No.3-25-3/1, Markandrajupeta,
Tuni, East Godavari District, A.P.

... Petitioner

Vs.

Dr. NTR University of Health Sciences, represented
by its Registrar, Vijayawada, Krishna District and
2 others

.. Respondents

W.P.No.44147 of 2018

Between:

Kum. Dantuluri Venkata Hima Devi, D/o Venkata
Seetarama Raju, aged 22 years, Occ: Student,
R/o H.No.34-16-5, Matenavari Street, Padmasri Hall,
Tanuku, West Godavari District, A.P.

... Petitioner

Vs.

Dr. NTR University of Health Sciences, represented
by its Registrar, Vijayawada, Krishna District and
2 others

.. Respondents

For Appellant : Mr. D.S.V.V.S.V. Prasad,

For Respondents : Mr. Taddi Nageswara Rao, standing
counsel

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMA DEVI

Writ Petition Nos.43792 and 44147 of 2017

ORDER: (V. Ramasubramanian, J)

The petitioners, who joined the first year of the BDS course in the year 2014, but who were discharged from the course on 20-11-2017, for their failure to pass the first semester examinations within three years, have come up with the above writ petitions, challenging the Regulations of the year 2007, which prescribe a maximum period of three years within which the first year examination has to be cleared.

2. Heard Mr. D.S.V.V.S.V. Prasad, learned counsel for the petitioners, Mr. Taddi Nageswara Rao, learned standing counsel for the University and Mr. P. Dharmesh, learned standing counsel for the Dental Council of India.

3. The issue raised in these writ petitions is squarely covered by a judgment of this Court dated 29-08-2018 in a batch of cases in W.P.Nos.28325 of 2011 etc. First of all the petitioners were admitted only in terms of the Regulations of the year 2007 and hence, they cannot successfully challenge the very Regulations in terms of which they were admitted. Therefore, the first part of the prayer made by the petitioners in these writ petitions should go. In so far as the second part is concerned, it appears that the petitioners were permitted to write the first year examinations in January/February, 2018 pursuant to the interim orders passed by this Court. The results

of the same have not been declared so far. The cases of this nature are also covered by the directions that we have issued in paragraph 45 of the judgment dated 29-08-2018. Therefore, the present writ petitions are disposed of in terms of paragraph 45 (d) of the judgment dated 29-08-2018 in W.P.No.28325 of 2011 and batch, which reads as follows:

“All candidates, who joined the course in the academic year 2012-13 and thereafter, who had the benefit of interim orders, may be allowed the benefit of the Revised BDS Course (7th Amendment) Regulations, 2015, (i) if they had passed the examinations after availing the benefit of interim orders of this Court and (ii) if there is still a possibility for these candidates to complete the entire course within a total period of 9 years from the date of their admission, as prescribed in the 2015 Regulations. In other words, candidates belonging to the batches of the years 2012-13 and thereafter, who came up with writ petitions, secured interim orders, appeared for the examinations and failed, are not entitled to the benefit of the amended Regulations of the year 2015. Similarly, candidates belonging to the batches of the years 2012-13 and thereafter, who do not stand a chance, because of their present status, of completing the course within a total period of 9 years from the date of their admission, will also not have the benefit of this order, as they will not even satisfy the 2015 Regulations. The University may pass orders in respect of each individual falling under this category, either allowing them to prosecute the course or to discontinue them depending upon the satisfaction of the 2 conditions we have stipulated above. ”

There will be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 22-10-2018

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