

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 24169 of 2017
Date of Decision: 9.1.2018**

Dr. Chirag Gupta and others

.....Petitioners

v.

Dental Council of India and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. PPS Bajwa, Advocate, for the petitioners
Mr. M.S. Longia, Advocate, for respondent No.1
Mr. Digvijay Singh, Advocate, for respondents No. 2 to 4

RAKESH KUMAR JAIN, J (Oral) :

This petition is preferred at the instance of 3 petitioners, who had taken their exam of Master of Dental Surgery (in short 'MDS') in July 2017. The petitioners were remained unsuccessful in the result declared on 4.10.2017. Thereafter, petitioners No.1 and 2 had re-appeared and have passed. Therefore, learned counsel for the petitioners has submitted that he would not press the petition on behalf of petitioners No.1 and 2 and as such, petition on their behalf is dismissed as withdrawn.

Learned counsel for the petitioners has pressed this petition on behalf of petitioner No.3, who had not given exam thereafter and stated that proper procedure was not followed while checking the answer sheets of the petitioner in all the examination of MDS.

The basic grievance of the petitioner is that the respondent-
University has violated the directions and provisions of the Dental Council

of India, wherein it is provided that the University shall appoint 2 internal examiners from the same institution for the purpose of examining the answer sheets. Learned counsel for the petitioners has relied upon a decision of this Court rendered in the case of **Dr. Raj Bahadur Singh and others v. Medical Council of India and others**, in CWP No. 18429 of 2016 decided on 15.3.2017, in which the following observations have been made :-

*“In the present case, since the internal examiners were not appointed from the faculty of the same department of the college/institution, therefore, it is again the violation of the provisions of the Regulation and in this regard, reference could be made to an order passed by this Court in the case of **Dr. Vikas Aggarwal and others v. Dental Council of India and others**, CWP No. 13756 of 2015, decided on 18.9.2015 and in the case of **Dr. Jasleen Kaur and others v. Medical Council of India and others**, CWP No. 21385 of 2015, decided on 7.1.2016, in which words “from the respective institutions” has been specifically mentioned in respect of the internal examiners, having been accepted by the University. Consequently, it can be safely held that if the internal examiners, as stated by the University in its reply that they have been appointed from the medical institutions of the State of Punjab and not from the faculty of the same department of the respective institutions where by the petitioners were studying, then the said procedure is totally wrong and erroneous. Thus, the paper checked by the internal examiners has no value.*

There is no judgment to the contrary cited by the respondents.

Therefore, the present petition filed on behalf of petitioner No.3 is allowed and direction is issued to the University to re-evaluate the answer sheet of

petitioner No.3 by appointing 2 internal examiners and 2 external examiners, as per the rules of the Dental Council of India Revised MDS Course Regulations, 2007 (in short 'the Regulations').

Needful shall be done within a period of one month from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

9.1.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No