

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2520 of 2019

- Triveni Institute Of Dental Sciences , Hospital And Research Centre Through The Administrative Officer, M.K. Jain, S/o Shri Khemchand Triveni Institute of Dental Sciences, Hospital And Research, Centre, Bodri, Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.,
2. The Director Medical Education, Directorate Of Medical Education, Old Nurses Hostel, Dks Bhawan, Raipur Chhattisgarh.
3. Medial Council of India Through Its Secretary, Pocket No. 14, Sector -8, Dwarka, Phase - I, New Delhi 110077.
4. Dental Council Of India Through Its Secretary, Aiwan - E - Galib Marg, Kotla Road, Temple Lane, Opp. Mata Sundari College For Women, New Delhi 110002.

---- Respondents

WPC No. 2521 of 2019

- Maitri College Of Dentistry And Research Centre, Through Chairman, Rajesh Jain, S/o Shri S.R. Jain, Aged About 48 Years, Address - Maitri College Of Dentistry And Research Centre, Anjora, District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.,
2. The Director, Medical Education, Directorate Of Medical Education, Old Nurses Hostel, D K S Bhawan, Raipur Chhattisgarh.
3. Medical Council Of India Through Its Secretary, Pocket No. 14, Sector -8, Dwarka, Phase - I, New Delhi 110077.
4. Dental Council Of India Through Its Secretary, Aiwan - E - Galib Marg, Kotla Road, Temple Lane, Opp. Mata Sundari College For Women, New Delhi 110002.

---- Respondents

WPC No. 2522 of 2019

- Rungta College Of Dental Sciences And Research Through Chairman, Sanjay Rungta, S/o Late Ghanshyam Das Rungta, Aged About 58 Years, Address Rungta College Of Dental Science And Research, Rungta Knowledge City, Kurud, Road, Kohka, Bhilai, District Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.,
2. The Director Medical Education, Directorate Of Medical Education, Old Nurses Hostel, Dks Bhawan, Raipur Chhattisgarh.
3. Medical Council Of India Through Its Secretary, Pocket No. 14, Sector -8, Dwarka, Phase - I, New Delhi 110077.
4. Dental Council Of India Through Its Secretary, Aiwan - E - Galib Marg, Kotla Road, Temple Lane, Opp. Mata Sundari College For Women, New Delhi 110002.

---- Respondents**WPC No. 2523 of 2019**

- Chhattisgarh Dental College And Research Institute Through Chairman, Nemichan Parekh, S/o Late Lal Chand Parekh, Aged About 59 Years, Address, Chhattisgarh Dental College And Research Institute, Village Sundara, Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The Director Medical Education, Directorate Of Medical Education Old Nurses Hostel, Dks Bhawan, Raipur Chhattisgarh.
3. Medical Council Of India, Through Its Secretary, Pocket No. 14, Sector - 8, Dwarka, Phase - I, New Delhi 110077
4. Dental Council Of India, Through Its Secretary, Aiwan E Galib Marg, Kotla Road, Temple Lane, Opp. Mata Sundari College For Women, New Delhi, 110002.

---- Respondents**WPC No. 2524 of 2019**

- New Horizon Dental College And Research Institute, Through Chairman, Ashok Agarwal , S/o Late N. K. Agrawal, Aged About 65 Years, Address - New Horizon Dental College And Research Institute, Sakri, Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Medical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The Director, Medical Education, Directorate Of Medical Education, Old Nurses Hostel, D K S Bhawan, Raipur Chhattisgarh.

3. Medical Council Of India, Through Its Secretary, Pocket No. 14, Sector - 8, Dwarka, Phase - I, New Delhi 110077
4. Dental Council Of India, Through Its Secretary, Aiwan E Galib Marg, Kotla Road, Temple Lane, Opp. Mata Sundari College For Women, New Delhi, 110002.

---- Respondents

For Petitioners	: Shri Manoj Paranjpe and Shri Rahul Tamaskar, Advocates
For Respondent-State	: Shri Siddharth Dubey, Deputy Government Advocate
For Respondent-MCI	: Shri Ranbir Singh Marhas, Advocate
For Respondent-DCI	: Shri N. K. Vyas, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

P. R. Ramachandra Menon, Chief Justice

30.07.2019

1. The issues involved in all these cases are exactly similar i.e. with regard to the justifiability in stipulating a deposit of a sum of Rs. 1 Lac as the condition for participating in the second round of counselling for the BDS Course. The main challenge is that it is absolutely without any authority, as the Medical Council of India has insisted for such stipulation only with respect to the MBBS and not for the BDS.
2. It is in the said circumstance, that the Medical Council of India (MCI) and Dental Council of India (DCI) also came to be impleaded in the party array as additional respondents. It was made known before this Court by the learned Standing counsel representing the MCI and DCI that no instruction had ever been issued by them to stipulate any such fees i.e. to an extent of Rs. 1 Lac for participating in the second round of counselling and as such, it was the creation of the State, particularly, the Director, Medical Education (DME).

3. When this was put across the Bar, the learned counsel representing the State / DME sought for time to ascertain the particulars, particularly, as to whether it was an inadvertent mistake / incorporation.
4. Today, when the matter is taken up for the further consideration, the learned counsel representing the State/DME submits that the stipulation for payment of an amount of Rs. 1 Lac for participating in the second round of counselling with respect to 'BDS' in the private colleges was an inadvertent mistake and necessary Corrigendum Notice bearing No.8002/संचिशि/स्था-1/2019 has been issued on 26.07.2019, whereby such stipulation in respect of the private colleges has been deleted with. A copy of the said Corrigendum Notice has been placed for perusal of this Court.
5. In view of the turn of events, the learned counsel for the Petitioners submits that the matter is not pressed.
6. Accordingly, all the writ petitions are dismissed as not pressed.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge