

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4330 OF 2019

**PRATIKSHA PURUSHOTTAM ADASKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Gandle Mahendra P.
AGP for Respondent / State : Mr. S. B. Narwade
Advocate for Respondent No. 3 : Mr. Alok Sharma
Advocate for Respondent No. 4 : Mr. K. C. Sant
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**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 20th NOVEMBER, 2019

PER COURT:

1. The petitioner claims to be admitted for first year BDS course in the academic year 2015-2016 i.e. after the amended regulation dated 27.04.2015. The petitioner is not allowed to appear for the first year BDS examination on the ground that the petitioner has not cleared the first year BDS course within three years.

2. As the petitioner is admitted to the first year BDS course after the amended regulations dated 27.04.2015, the petitioner would be governed by

the amended regulation and the condition that the petitioner should pass first year BDS in three years would not apply. This court in a case of Bhakti Manojkumar Gaggad Vs. State of Maharashtra and others reported in 2018 (5) Mh. L. J. 365 to which one of us (S. V. Gangapurwala, J.) was a party has held thus-

"32. The old provisions will become non-existent. The petitioners in this case belong to this category. They have joined the college in September, 2014 and were still in BDS on the date of amendment on 27-4-2015 but they have not completed period of three years in first year BDS. Thus, they were not disqualified under the old provisions. We therefore hold that their subsequent failure to complete first year BDS in a period of three years from the date of their admission will not affect their right of pursuing the studies. They will be governed by new provision which provides that they will have to complete the entire course including internship within a period of nine years. The amended provision will be applicable to all students studying B.D.S. Course as on 27-4-2015 if they were not cleared or disqualified earlier as per old provision."

3. In view of that, if the petitioner is otherwise eligible, the respondent shall not withhold the result of the petitioners examination and shall not prevent the petitioner from

prosecuting BDS course on the ground that the petitioner has not passed the first year BDS course within three years. It is made clear that the petitioner would be governed by the amended regulation requiring the petitioner to clear the course within nine years.

4. Writ Petition accordingly allowed. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

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