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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition Nos.3572 & 8192 of 2019
& W.M.P.Nos. 3916, 3917, 14631 & 14186 of 2019

W.P.No.3572/2019

P.S.R.Lakshmi Bhuvaneswari Preethi
D/o.P.Subburaj

...Petitioner

Vs

1.The Registrar,
Tamil Nadu Dr.MGR Medical University,
Chennai-600 032.

2.The Controller of Examination,
Tamil Nadu Dr.MGR Medical University,
Chennai-600 032.

3.Madha Dental College and Hospital,
Rep.by its Principal,
Kundrathur,
Chennai-600 050.

... Respondents

W.P.No.8192/2019

P.S.R.Lakshmi Bhuvaneswari Preethi
D/o.P.Subburaj

...Petitioner

Vs

1.The Government of Tamilnadu,
Rep.by the Secretary,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Director of Medical Education,
Kilpauk,
Chennai-600 010.



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3.The Dental Council of India,
Aiwan-E-Galib Marg,
Kolta Road, Temple Lane,
Opp. To Mata Sundri College for Women,
Mandi House,
New Delhi-110 002.

4.The Registrar,
Tamil Nadu Dr.MGR Medical University,
Chennai-600 032.

5.Madha Dental College and Hospital,
Rep.by its Principal,
Kundrathur,
Chennai-600 050.

... Respondents

Prayer in W.P.No.3572/2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to conduct the B.D.S third year examination for the petitioner as a special case.

Prayer in W.P.No.8192/2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to transfer the petitioner from the 5th respondent college to the Government Dental College, Chennai.

For petitioner	:	Mr.R.Jayaprakash in both WPs
For Respondents	:	Mr.V.Kathirvelu
		Spl Government Pleader for R1 & R2
		in W.P.No.8192/19
	:	Mr.Haja Mohideen for R3
		in W.P.No.8192/19
	:	Mr.D.Ravichandar for R4
		in W.P.No.8192/19 R3 in W.P.No.3572/19
	:	Mrs.Rita Chandrasekar
		for M/s.Aiyar & Dolia
		for R3 in W.P.No.3572/19
		for R5 in W.P.No.8192/19

ORDER

Heard the learned counsel for the petitioner and the learned counsels for the respondents.

2. The petitioner herein is a student of B.D.S course admitted in the 3rd respondent college during the academic year 2014-2015 under the management quota. Since she had some misunderstanding of the management on various issues, she has opted to leave the 3rd respondent's college and join some other college of her choice which offers B.D.S course. Therefore, when



she approached the management of the 3rd respondent college to give Transfer Certificate, they refused to give Transfer Certificate without payment of the fees for entire course years. In such circumstances, the petitioner herein has approached this Court for the following relief:-

Permit the petitioner to take up her 3rd year examination as a special case and Mandamus directing the respondent to conduct 3rd year BDS course for the petitioner and direct the respondent to transfer her from the Madha Dental College to the Government Dental College, Chennai.

3. After notice, the learned counsel appearing for the private Dental College who is the 3rd respondent in W.P.No.3572 of 2019 and 5th respondent in W.P.No.8172 of 2019 submitted that, any student who wants to withdraw the course in the middle of the academic year is bound to pay the entire fees liable to be paid for the entire course. If the petitioner pay the fees, they have no objection for giving Transfer Certificate of the petitioner to get admission in any college and to continue her course. When the matter was pending, the petitioner has paid the fees demanded by the college and now the learned counsel appearing for the college states that they have already given No Objection Certificate for the petitioner to get admission in any other Dental College.

4. As far as the Dr.M.G.R. Medical University is concerned which is the affiliating authority. They have submitted that the petitioner got admitted under the management quota in a private college and therefore she cannot be accommodate in Government college as she has prayed for in the writ petition in W.P.No.8192 of 2019.

5. In this regard the learned counsel for the petitioner was asked to ascertain whether the petitioner can get accommodation in any other private college in the State. For which, the learned counsel for the petitioner after ascertaining from few private Dental Colleges which have seats vacant in the third year B.D.S course, states that those private Dental Colleges are ready to admit the petitioner herein provided that the Dental Council of India approves the migration.

6. The learned counsel for the Dr.MGR Medical University would submit that if the candidate forwards consent letter from transferrer college and the transferee college, they will forward to the Dental Council of India for consideration and approval.

7. In the light of the above procedural aspect and considering the prayer of the petitioner herein, this Court is of the opinion that having obtained Transfer Certificate from



Madha Dental College, the petitioner must be accommodated in any private college in Tamil Nadu under the management quota for the vacancy in the third year B.D.S course.

8. In such circumstances, this Court passed the following order:-

If the petitioner submits No Objection Certificate from the transferrer college and the transferee college and request for migration, Dr.M.G.R.Medical University shall consider the request for migration shall forward the same with recommendation to the Dental Council of India within 7 days from the receipt of the request. The Dental Council of India on receipt of the migration application shall process it and pass orders within a period of four weeks in accordance with the regulations of the Dental Council of India.

9. With the above directions, these Writ Petitions are disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

rpl

To

1.The Secretary,
The Government of Tamilnadu,
Health and Family Welfare Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Director of Medical Education,
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6.The Principal,
Madha Dental College and Hospital,
Kundrathur,
Chennai-600 050.

+2cc to Mr.R.Jayaprakash, Advocate SR.No.65309,65310

+1cc to M/s.Aiyar & Dolia, Advocate SR.No.65361

+2cc to Mr.D.Ravichandar, Advocate SR.No.66062,66061

+1cc to Mr.S.Haja Mohideen Gisthi, Advocate SR.No.64932

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PP(CO)
GMY(26/08/2019)