

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4998-2019 (O&M)
Date of Decision: 23.07.2019

Bharti Verma

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Karan Singh, Advocate for the petitioner.

Mr. N.K. Parmar, A.A.G., Haryana.

Mr. Surinder Gaur, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J (Oral)

Reply on behalf of respondent no.2 has been filed in Court today and the same is taken on record. Copy has been furnished to counsel opposite.

Petitioner herein took admission in the year 2014 with the P.D. Memorial Dental College & Research Institute, Bahadurgarh to pursue a 5 years Dental Surgery Course which includes 4 years of academics and one year of Internship. Respondent no.5 institute is affiliated to the Pt. B.D. Sharma University of Health Sciences, Rohtak/respondent no.2. At the time when the petitioner took admission in the year 2014, the regulations called the Revised B.D.S. Course Regulations, 2007 for the Degree of Bachelor of Dental Surgery (herein after to be referred to as the 2007 Regulations) were in operation by virtue of a notification dated 25.7.2007. Under the 2007 Regulations it was provided that any student, who does not clear the 1st B.D.S University Exam in all subjects within three years from the date of admission, shall be discharged from the course.

The Dental Council of India notified the revised BDS Course (7th Amendment) Regulations, 2015 on 25.2.2015 and the following substitution was made:-

“Any student who does not clear the BDS Course in all the subjects within a period of 9 years, including one year Compulsory Rotatory paid Internship from the date of admission shall be discharged from the Course.”

The grievance raised in the instant petition is that the petitioner who had though taken admission in the B.D.S Course in the year 2014 and could not clear the 1st year examinations in three years has not been permitted to take the examinations.

The short question that arises for consideration is as to whether the subsequent 2015 Regulations would be applicable to the case of the petitioner who had availed of all the three chances of clearing the 1st year of BDS Course till the 2015 Regulations became operative?

Counsel for the parties are ad idem that such question already stands answered in the affirmative and in favour of the candidates who had taken admission in 2014 in a bunch of petitions including **CWP-394-2018 (Rohit Kumar Vs. Pt. B.D. Sharma University of Health Sciences, Rohtak and others)** decided on 7.9.2018 at Annexure P-6.

In view of the above, the instant petition is also allowed in terms of the judgement rendered by a Coordinate Bench of this Court in **Rohit Kumar's** case (supra).

(TEJINDER SINGH DHINDSA)
JUDGE

23.07.2019

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No