

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1157 of 2020

1. Sudarshan Mishra Son of Late Hareram Mishra Resident of Mohalla- B/15, Vivek Vihar Colony via Sonu Market Gola Road, District- Patna.
2. Rishav Kumar Bimal Son of Birendra Kumar Bimal Resident of Village- Sharda Nagar Ward No.27, Batraha, Near Anpurna Mandir, P.S.- Saharsa, District- Saharsa.
3. Binod Kumar Son of Jagdish Ram Resident of Village- Gora Belwa, P.O.- Parsa Kothi, P.S.- Shanichary, District- West Champaran.
4. Ram Kumar Sah Son of Ramanand Pd. Sah Resident of Village- Harinarpur, P.O.- Harinarpur, P.S.- Chatapur, District- Supaul, Pin- 852137, Bihar.
5. Anand Sagar Son of Dev Narayan Jaiswal Resident of Mohalla- Chandryan Ward No.-11, Chanderyan Dharhara, P.S.- Nawhatta, District- Saharsa, Bihar- 852123.
6. Shashi Kumar Krishnan Son of Abhay Kumar Sinha Resident of Village and P.O.- Ratanpur, P.S.- Bariyarpur, District- Munger- 811211.
7. Sumit Kumar Son of Saryu Prasad Resident of Village- East Ram Krishna Nagar Near, Indian Public School, P.S.- Ramkrishna Nagar, District- Patna.
8. Deepak Raj Son of Ramanand Yadav Daudnagar Yadav Nagar Colony, B-More, P.S.- Daudnagar, District- Aurangabad.
9. Sushmita Kumari Daughter of Vidya Sagar Kumar Resident of Village- Itwa, P.S.- Singwoul, District- Begusarai.
10. Samiksha Daughter of Binod Prasad Sinha Resident of Village- Ramdev Nagar, Muhadeva, P.S. Muffasil, District- Siwan.
11. Jyoti Sinha Daughter of Yogendra Kishore Resident of Village- Uran Tola, P.S.- Shaikarpur, District- Patna.
12. Khushboo Daughter of Baidyanath Sahani P.S.- Brahmpura, MIT, District- Muzaffarpur.
13. Pooja Kumari D/o Mr. Prem Kumar House No.- CB/4, Chakbinda, Alkapuri Road No.10, P.S.- Gardanibagh, District- Patna.
14. Kumari Spriha Nidhi Daughter of Mr. Satyendra Narayan Singh Resident of Mohalla- House No. 1A/3, Shivpuram, Vijay Nagar, Rukanpura, Bailey Road, P.S.- Rupaspur, District- Patna.
15. Manisha Daughter of Manoj Kumar Pandey Resident of Village- Indrapuri, P.S.- Shashari Nagar, District- Patna.
16. Minakshi Singh D/o Satya Deo Singh House No.12, North of Hanuman Mandir, Rain Basera, P.S.- Kazimahmadpur, District- Muzaffarpur.
17. Pramod Kumar Son of Upendra Rai Resident of Mohalla- Sanjay Nagar Road No.5 G.P.O., Jakkanpur, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health, Education and Family Welfare Department, Government of Bihar, Patna.



2. The Union of India, through the Secretary, Ministry of Health and Family Welfare, Govt. of India, New Delhi.
3. Dental Council of India through its Secretary, Alwan-e-Ghalib Marg, Kotla Road, New Delhi.
4. Magadh University, through its Vice Chancellor, Bodh Gaya, Gaya.
5. Dr. B.R. Ambedkar Institute of Dental Science and Hospital, through its Principal, Ram Jaipal Nagar (Hariom Nagar), New Bailey Road, Patna.
6. The Chairman, B.R. Ambedkar Institute of Dental Science and Hospital Ram Jaipal Nagar, New Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Kanth, Sr. Advocate
Mr. Mukul Sinha, Advocate
Mr. Rajesh Kumar, Advocate
For the State : Mr. Rajeshwar Singh, GA10
For the Dental Council of India : Mr. S.D. Sanjay, Sr. Advocate
For the Union of India : Mr. K.N. Singh, Sr. Advocate
For the respondent Nos.5 & 6 : Mr. Chitranjan Sinha, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

10 05-12-2020 Heard Mr. Vinod Kumar Kanth, learned senior counsel, duly assisted by Mr. Mukul Sinha, learned counsel for the petitioner, Mr. Rajeshwar Singh, learned G.A.10, Mr. S.D. Sanjay, learned counsel for the Dental Council of India, Mr. K.N. Singh, learned senior counsel for the Union of India and Mr. Chitranjan Sinha, learned senior counsel for the respondent Nos.5 and 6 through video conferencing.

2. The petitioners in this writ petition seek following reliefs:

(a) For an appropriate writ/order/direction to respondents to publish the result of IIIrd year of B.D.S. course of petitioner Nos.1 to 16 and IInd year of B.D.S. course of



petitioner No.17 in which the petitioners have appeared in May 2019, from B.R.Ambedkar Institute of Dental Science and Hospital, Patna, and which is pending since then.

(b) For an appropriate writ/order/direction to respondent college and the University to provide forthwith the University Registration Number of petitioners, who are under graduate students of the college in question. In fact it ought to have been provided in the first year of the course itself and for which fees and necessary formalities have been completed by the petitioners, but the same is pending, because of the laches and negligence on the part of respondent-college/University.

(c) For an appropriate writ/order/or direction to the respondent Dental Council of India and others to allow/adjust the petitioner Nos.1 to 16 in the corresponding course of IVth year and petitioner No.17 in the corresponding IIIrd year course of the B.D.S., in any recognised college, imparting under graduate Dental course(B.D.S.) for the rest of their curriculum, in order to enable them to complete the entire course of B.D.S. and to salvage their career to acquire professional ability. Such prayer is warranted in view of the fact that now the petitioners have learnt on 13.11.2019 through, the Right to Information Act, that the recognition of the college has finally been withdrawn by



the Dental Council of India on 18.02.2019 and the Central Government has also issued notification to this effect on 28.02.2019.

3. The relief is being sought for, for the reason, inter-alia, that, the petitioners, who, after having qualified the National Eligibility Test (NEET for short), and had become eligible to undertake B.D.S. course, took admission in the college and are pursuing the course under different orders of this Hon'ble Courts, including the order of the Hon'ble Supreme Court in Civil Appeal No.12064 of 2018, by which it has been held that the students, have a right to continue their studies and to appear in the examination and for publication of their results.

4. The question arises “whether on the facts and in the circumstances of the case this Court can direct the Dental Council of India to shift the petitioners-students of Dr. B.R. Ambedkar Institute of Dental Science and Hospital to another recognised Dental colleges situated in Bihar to pursue their remaining studies?”

5. The facts relevant for disposal of the case are that petitioners are students of B.D.S. Course of Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna. Petitioner Nos.1 to 16 have appeared in 3rd year exam of B.D.S. course and



presently in the 4th year. Petitioner No.17 has appeared in 2nd year exam and is presently in the 3rd year. The petitioner Nos.1 to 16 have admitted in 1st year of B.D.S. course in the college on the basis of having qualified National Eligibility Entrance Test(NEET) in year 2016 and petitioner No.17 was qualified National Eligibility Entrance Test in the year 2017. After having passed and qualified in the NEET examination, they contacted the college for admission in any recognised Medical Dental college. They came across an advertisement in Newspaper in writing application from NEET qualified candidates for 1st year in B.D.S. course. In the advertisement, it was mentioned that the college is duly recognised by the Dental Council of India as well as Central Govt. for imparting B.D.S. course. The counselling was held in the college and petitioner Nos.1 to 16 were admitted in the 1st year course of B.D.S. in the college in September, 2016 and petitioner No.17, after counselling, was also admitted in the college in the month of September, 2017 in the 1st year by the end of 30th of September, as directed by the Hon'ble Supreme Court. Petitioners passed their 1st and 2nd year without their registration number. The petitioners also appeared in the 3rd year and 2nd year University examination but the result has not been published. Suddenly petitioners came to know that



the college was having the recognition issue with the Dental Council of India. The petitioners approached the Principal and other authorities who assured them about their uninterrupted studies but the petitioners sought information with regard to the actual state of affairs of the University through R.T.I. from Dental Council of India. By letter dated 13.11.2019, the Dental Council of India replied that de-recognition matter is subjudiced in Patna High Court in CWJC No.9207 of 2019. The petitioners somehow obtained the copy of the writ petition and came to know about the order dated 18.02.2019 of the Dental Council of India withdrawing finally the recognition of the college as well as the order of the Central Govt. dated 28.02.2019 de-recognising the college. The students-petitioners were never made aware of the fact of de-recognition of the college and the college conducted the examination of 3rd year in May, 2019.

6. After going through the contents of the writ petition, the petitioners came to know that Dental Council of India vide its order dated 21.10.2016 addressed to the Principal of college had already directed not to take admission in the college in B.D.S. course and directed the college to discharge all the 30 students of the college of the batch 2016-17. The college filed CWJC No.19129 of 2016 and by an interim order dated



23.03.2017, the operations of the order dated 03.10.2016 and 21.10.2016 was stayed by this Court. The High Court by order dated 19.05.2017 allowed the writ petition and quashed the aforesaid orders dated 03.10.2016 and order dated 21.10.2016 holding that the authorities have no jurisdiction to stop the Dental college from taking admission under Section 16A(4) of Dentist Act, 1948(Annexure-8).

7. The Dental Council of India challenged the aforesaid order in appeal bearing L.P.A. No.1054 of 2017. The Division Bench by an interim order dated 07.08.2017 gave liberty to the college to take admission for subsequent Sessions i.e. 2016 onwards but with clear notice that the students will do so at their own risk subject to the final decision in appeal. A Division Bench of this Court presided over by the then Hon'ble the Chief Justice heard the matter and vide order dated 01.11.2018 allowed the appeal and held that since Govt. of India and Dental Council of India were directed to conduct an inspection of the college, which was not done, the same was directed to be done and necessary orders whatsoever shall be passed by the Central Govt. in accordance with the procedure prescribed thereunder in Dentist Act, 1948. However, the Division Bench also directed that students shall be informed



about such tentative nature of admission although the Division Bench did not stop the students or the college authority in continuing the studies.

8. The college preferred S.L.P.(Civil) being S.L.P. (C) No.31048 of 2018(Civil Appeal No.12064 of 2018) against order dated 01.11.2018 passed in L.P.A. No.1054 of 2017. The Hon'ble Supreme Court by order dated 13.12.2018 disposed of the matter holding that since the students have been admitted, under the order of the Court, their careers cannot be made dependent upon the outcome of the pendency of the decision of de-recognition. The students who are continuing their course after admission cannot be said to be a provisional since there is no withdrawal of recognition till date(Annexure-11).

9. After the order of the Hon'ble Supreme Court, the Dental Council of India submitted its inspection report and recommended for de-recognition of the college on account of various/large scale shortcomings and lack of infrastructure necessary for imparting the B.D.S. course and this was followed by order dated 28.02.2019 of the Central Govt. issuing de-recognition order and thus, the petitioners came before this Court for redressal of their grievance.

10. The respondents have filed counter affidavit



denying the facts that recognition of the college was ever withdrawn. The respondent No.2-Union of India in its affidavit stated that after report of the State of Bihar as required under Section 16A of the Dental Council of India Act, 1948 allowed the college to take admission and dropped the proceeding of de-recognition of the college.

11. The respondent Nos.5 and 6-college has also stated in counter-affidavit that the result of the petitioners have already been declared and their registration numbers were given. The college was never de-recognised and, therefore, there is no impediment for the students to continue their further studies and get certificate from the college.

12. Mr. Vinod Kumar Kanth, learned senior counsel duly assisted by Mr. Mukul Sinha, learned counsel for the petitioner drew attention of this Court to order dated 28.01.2020 by which a Bench of this Court issued notice to all the respondents to file counter-affidavit particularly in view of the facts that their career prospects were put in fear of jeopardy. The only way to salvage them would be an arrangement by the Dental Council of India for them to be inducted as regular students in other recognised college, located preferably in the State of Bihar but in the absence of any such vacant position



across the country such order cannot be passed. It is submitted that till date the Dental Council of India has not come up with facts showing vacancy position in different recognised Dental colleges situated in Bihar or outside the Bihar so that the petitioners who are pursuing their studies in a Dental college of respondent Nos.5 and 6 in which although the college of respondent Nos.5 and 6 abysmally lacks infrastructure to impart the course of B.D.S. The Dental Council of India in its inspection report clearly enumerated about the lack of infrastructure and non-availability of faculty member in the college. The students are not able to take and continue their studies with all proficiency and efficiency and to acquire practical knowledge in such situation where there is no infrastructure and laboratory available in the college.

13. Mr. Vinod Kumar Kanth, learned senior counsel for the petitioners further submits that on the basis of the report of the Dental Council of India about the bad conditions and lack of infrastructure in the college-respondent Nos.5 and 6, the Central Govt. sought an opinion from the State of Bihar. The State of Bihar without properly inspecting the college and getting the shortcomings rectified recommended for dropping of the de-recognition proceeding of the college stating therein that



the college has already rectified the defects but no defects have yet been rectified and lack of infrastructure is still continuing in the college. It is further submitted that on the basis of such report of the State of Bihar, the Central Govt. without verifying the present conditions of the college dropped the proceeding for de-recognition of the college in a very mechanical and perfunctory manner but the fact remains that there is no infrastructure available in the college to impart practical knowledge to the students of B.D.S. course and, therefore, the Dental Council of India and Department of Health, State of Bihar be directed to shift the petitioners to any recognised Dental college situated in Bihar so that the petitioners may pursue their studies with all proficiency. In support of his contention, learned counsel for the petitioners placed reliance on the judgment of the Supreme Court in the case of Sourabh Brala v. Union of India, 2019 SCC Online SC 678 and submitted that almost on the similar facts, the Hon'ble Supreme Court has intervened and directed of shifting of the students of such college who lacks infrastructure for recognition.

14. Per contra, learned counsel for the Union of India submits that on the basis of the inspection report of Dental Council of India, report was sought for from the State of Bihar.



The State of Bihar vide letter as contained in Memo No.1373(i) dated 10.10.2019 recommended for dropping of the proceeding for de-recognition of Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna. Learned counsel for the Union of India has submitted that after receipt of the recommendation of the State of Bihar as contained in Memo No.1373(i) dated 10.10.2019, the Central Govt. issued notification and dropped the proceeding of de-recognition of the college and also granted permission to take admission in the college.

15. Mr. Chitranjan Sinha, learned senior counsel appearing on behalf of the respondent Nos.5 and 6 submits that the petitioners have made three prayers in the writ petition. So far prayer No.(a) with regard to publication of the result of 3rd year B.D.S. course of petitioner Nos.1 to 16 and 2nd year B.D.S. course of petitioner No.17. is concerned, the University has declared the result and the college has received the tabulation register in January, 2020 but marksheets of the students have not yet been received from the University. The University also sent the registration number of the students in February, 2020 and, therefore, the prayer Nos.(a) and (b) of the petitioners have already been redressed.

16. Mr. Chitranjan Sinha, learned senior counsel for



the respondents further submits that programme for next year of all batches has been sent to the University but the petitioners have not filled up their forms. If the petitioners submit their forms within time to appear at the examination, they shall be allowed to do the same after depositing the required fees. It is further submitted that so far as prayer No.1(c) is concerned, that a direction be issued to the Dental Council of India and other respondents to allow and adjust the petitioners in other recognised college to pursue their remaining B.D.S. course and to complete the course for salvage of their careers and acquired professional ability is concerned, it is not at all required. The petitioners wrongly assumed that the recognition of the college was withdrawn. The petitioners got the knowledge from R.T.I. dated 13.11.2019(Annexure 5 of the writ petition) but from perusal of Annexure-5, it is quite apparent that the Dental Council of India has not informed that the recognition of the college has been withdrawn. The respondent-institute is imparting education in Dental Science and the college is duly recognised by the Central Govt. and affiliated to the Magadh University. The affiliation has been granted to the respondent-college after fulfilling all eligibility criteria for imparting Dental education as per norms of Dentist Act, 1948 and regulations



made thereunder. It is further submitted that in exercise of power conferred under sub-section (2) of Section 10 of Dentist Act, 1948, the Central Govt. after consulting the Dental Council of India has made amendment in Part I of Schedule of the said Act. Part I of the Schedule at Sl. No.37 of Magadh University and the entry relating thereto it has been added that the Bachelor of Dental Surgery qualification shall be a recognised dental qualification in respect of B.D.S. student of Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna when granted on or after 9th of March, 1999 and the same was notified vide gazette notification dated 4th of April, 2000. The respondent-college is still listed in Part I of the Schedule of Dentist Act at Sl. No.37.

17. Mr. Sinha, learned senior counsel further submits that Govt. of India vide letter dated 03.10.2016 has decided to stop admission in B.D.S. course for the Session 2016-17 in the respondent-college and accordingly college was directed not to take admission in violation of the order contained in letter dated 03.10.2016. This action of the Govt. of India has been challenged by the respondent-college by filing C.W.J.C. No.19129 of 2016. The writ petition was allowed vide judgment and order dated 19.05.2017(Annexure-G) holding that under the



Dentist Act, 1948, the Central Govt. has no power to stop admission in a Dental college without taking a decision as contemplated under sub-section (4) of Section 16A of the Act. The Dental Council of India filed L.P.A. No.1054 of 2017 against the order dated 19.05.2017 but Division Bench of this Court vide order dated 07.08.2017 gave permission to the college to take admission with certain terms and conditions. Finally, the aforesaid L.P.A. was allowed and order dated 19.05.2017 was set aside. The respondent-college moved before the Supreme Court in S.L.P. No.31048 of 2018(C) against the order dated 01.11.2018 passed in L.P.A. No.1054 of 2017 and the Hon'ble Apex Court in Civil Appeal No.12064 of 2018 arising out of S.L.P.(C) No.31048 of 2018 held that the students who have been admitted shall not be treated as provisionally admitted as the recognition has not been withdrawn so far. Accordingly, they have the right to continue and appear in exams and their results have also to be declared (Annexure-I). It is submitted that process of withdrawal of recognition under Section 16A of the Act was pending. It is submitted that petitioner has averred that Dental Council of India has withdrawn the recognition but the Dental Council of India is merely a recommending body and final decision is to be taken



by Union of India. On the basis of the report of the State of Bihar, Central Govt. dropped the proceeding for withdrawal of recognition pending and allowed the respondent-college to take admission of the students. Therefore, there is no ground for transfer or accommodation of the students admitted in the respondent-college to any other recognised college.

18. Having heard the submissions of the parties, it is apparent that the petitioners appeared in NEET examination and according to their marks and counselling they got admission in Dr. B.R. Ambedkar Institute of Dental Science and Hospital in academic Session 2016-17 in the month of September, 2016. The respondent-college received a letter dated 03.10.2016 issued under the signature of Govt. of India, Ministry of Health and Family Welfare by which the college has been asked to stop taking admission in B.D.S. course for the academic Session 2016-17. The Govt. of India, Ministry of Health and Family Welfare took such decision on the basis of the certain reports of inspecting team of Dental Council of India based on inspection conducted in pursuance of the order dated 21.07.2016 passed by this Court in C.W.J.C. No.9151 of 2016. The Dental Council of India has also recommended to stop admission for academic Session 2017-18 onward and recommendation was made for



withdrawal of recognition of said college vide letter dated 21.10.2016 by the Joint Secretary, Dental Council of India duly addressed to the Principal of the college. The aforesaid letter dated 03.10.2016, 21.10.2016 and 30.12.2016 were challenged in C.W.J.C. No.19129 of 2016. This Court by interim order dated 23.03.2017 stayed the operations of the communication dated 03.10.2016 and letter dated 21.10.2016 and thereafter the students including the petitioners pursued their studies and appeared their examination in the 1st year and 2nd year and results were published. Although the Dental Council of India inspected the college and found the deficiencies of infrastructure in the college but no adverse effect was made on the career of the students including the petitioners. Petitioner Nos.1 to 16 have already appeared at the examination held for 3rd year B.D.S. course and petitioner No.17 for 2nd year B.D.S. course and their results have already been published as has been stated by the respondent-college and, therefore, so far as their grievance with regard to publication of results and providing registration numbers are concerned, they have already been fulfilled.

19. CWJC No.19129 of 2016 was allowed vide order dated 19.05.2017 holding that under sub-section (4) of Section



16A of Dentist Act, 1948, the Union of India has no power to stop admission in Dental college without taking a decision as contemplated under sub-section (4) of Section 16A of the Act meant for withdrawal/denial of the recognition. On appeal, being L.P.A. No.1054 of 2017, filed by the Dental Council of India and another, Division Bench of this Court vide order dated 07.08.2017 allowed the appeal. The college preferred Civil Appeal No.12064 of 2018(Special Leave Petition(C) No.31048 of 2018) and the Hon'ble Supreme Court in para 3 held as follows:

“3. But since the students have been admitted under the order of the Court, their careers cannot be made dependent upon the outcome of the pending withdrawal proceedings. The students who are obtaining instructions, cannot be said to be provisionally admitted since there is no withdrawal of the recognition so far. Even assuming, there is a power in the amended regulations to stop the admission, by way of interim measure, nonetheless, the fact remains that the students have been admitted and they are obtaining instruction and their careers cannot be spoiled. Once they have been admitted and obtained the instruction in the institution, the education which has been obtained by them, is required to be saved. As such, the direction issued by the High Court in the impugned order in paragraph 30 as to provisional admission subject to the outcome of the withdrawal of recognition proceedings is hereby diluted. At the same time, it was pointed out by the learned counsel appearing for the Union of India as well as by the Dental Council of India that the institution is not extending cooperation to the team of Inspectors.



Twice they have declined inspection to the team of Inspectors appointed by the Dental Council of India.”

20. From perusal of the order of the Hon’ble Supreme Court, it is amply clear that the careers of the students were protected and the students who were obtaining instruction cannot be said to be provisionally admitted since there is no withdrawal of recognition so far. Recognition of the college has not yet been withdrawn and it was directed that the Dental Council of India on deposit of the fees for the purpose of inspection by the institution shall make inspection within two months and thereafter decisions in accordance with law be taken by the concerned respondents.

21. The matter was pending before the Union of India. Section 16A of the Dentist Act, 1948 provides the provision for withdrawal of recognition of recognised dental qualification. It provides that upon report by the Executive Committee or the visitor, it appears to the Council that the courses of study and training or the examination to be undergone in order to obtain a recognised dental qualification from any authority or institution in a State, or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or



that an institution does not, in the matter of staff, equipment, accommodation, training and other facilities, satisfy the requirements of the Council, the Council shall send a statement to that effect to the Central Government. Sub-section(2) of Section 16A provides that after considering such a statement, the Central Government may send it to the Government of the State in which the authority exercises power or the institution is situated, and the State Government shall forward it, along with such remarks as it may think fit to make, to the authority or institution concerned, with an intimation of the period within which the authority or institution may submit its explanation to the State Government. Sub-section (3) provides that after considering the explanation, or where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government. Sub-section (4) provides that the Central Government may, after considering the recommendations of the State Government and after making such further inquiry, if any, as it may think fit, by notification in the Official Gazette, direct that an entry shall be made in Part I of the Schedule against the qualification granted by the authority or institution declaring that it shall be a recognised



dental qualification only when granted before a specified date or that the said recognised dental qualification if granted to students of a specified college or institution affiliated to any University shall be a recognised dental qualification only when granted before a specified date or, as the case may be, that the said recognised dental qualification shall be a recognised dental qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.

22. The Central Govt., Health and Family Welfare Department, after considering the recommendation of the State Govt. that deficiency as pointed out by the visitors have already been rectified and, therefore, the proceeding for de-recognising Dr. B.R. Ambedkar Institute of Dental Science and Hospital is not warranted and accordingly, the Central Govt., Department of Health and Family Welfare issued a letter under the signature of Under Secretary dropping the proceeding for de-recognition of the respondent-institution and allowed the institution to take admission.

23. Therefore, it is evident that the respondent-institution was never de-recognised or recognition was not ever withdrawn even on the basis of the report of the Dental Council



of India made on the basis of the inspection. The proceeding for de-recognition was pending and the Central Govt. on the basis of the report of the Health and Family Welfare Department, dropped the proceeding vide letter dated 15.10.2020 and allowed the students to take admission in the year 2020-21. It is also evident from the order of the Supreme Court passed in Civil Appeal No.12064 of 2018(S.L.P.(C)No.31048 of 2018) that the future of the students was protected. The students were allowed to pursue their studies and their results are directed to be published. There is no order for transfer of the students from the institution of the respondents to any other institution rather the future of the students were protected with a direction to allow them to pursue their studies and the results will be published accordingly.

24. In the case of Sourabh Brala (supra), Hemwati Nandan Bahuguna Medical University has refused to affiliate the Medical college even after the management of the college in question was handed over to the State Government and the State Government was not able to take over or manage the Medical college. Therefore, the students of the Medical college who were admitted earlier to the assertions made by the State Govt. that an act of the State legislature has been passed to take over



the land as well as other buildings and other facilities so that the State Govt. could run the Medical college in question and on such facts, the students admitted in the 1st year and 2nd year in the institution were directed to be accommodated in three medical colleges and two private medical colleges in the State of Uttarakhand. In the present case in hand, the recognition of the respondent-institution is continuing since the year 1999 and the name of the institution is appearing at Sl. No.37 of Part I. At no point of time, the recognition was withdrawn. Of course, some adverse report with regard to lacking of infrastructure and other facilities was submitted by the visitors of Dental Council of India but the same remain under consideration before the Central Govt. and the Central Govt. as required call for a report from the State Govt. The Health and Family Welfare Department, State of Bihar reported to the fulfillment of requirements by the respondent-college and only on such, the proceeding for withdrawing the recognition of the respondent-college was withdrawn. Therefore, I find that there is no ground for issuance of any direction to either the State Govt. or the Dental Council of India to transfer the students such as petitioners studying in Dr. B.R. Ambedkar Institute of Dental Science and Hospital to any other Government Dental college or



private recognised Dental college.

25. Having considered the facts aforesaid, I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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