

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

WRIT PETITION NO.3206 OF 2020

Dental Lab owners Association
Mumbai, through its President

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr S.R. Patil, Advocate for petitioner
Mr P.S. Patil, Addl.G.P. for respondent no.1 and 2
Mr S.B. Deshpande, A.S.G. for respondent no.3
Mr Alok M. Sharma, Advocate for respondent no.4

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 28th February 2020

ORAL ORDER :

1. The Dental Mechanics Association of qualified dental mechanics had filed Writ Petition bearing No.7964 of 2016 seeking directions against the State Government to take action against the unqualified technicians. The Division Bench at the Principal Seat under order dated 21.7.2017 observed that respondent no.4 - Council (the State Dental Council) in a communication dated 12th July 2017 addressed to the Secretary, Medical Education and Drugs Department, Mumbai requested the State Government to take appropriate action by appointing the Nodal Agency or Officer in respect of unregistered Dental Mechanics and/or persons carrying on activities without getting registration in violation of law namely Dentists Act, 1948.

2. In the present Writ Petition, the petitioners seek directions against the respondents to decide the representation, so also assails the Government Resolution dated 22.1.2019. Under the Government Resolution dated 22.1.2019, the powers are given to take action against unauthorised dental hygienists/Dental Mechanics. The prelude to the Government Resolution

states that the same is pursuant to the order passed in Writ Petition No.7964 of 2016 pending at the Principal Seat at Bombay.

3. Members of the petitioner-association are not the registered mechanics and it appears that they do not possess qualification as prescribed. The members of the petitioner – association have the area of operation within the jurisdiction of the Principal Seat as well as this Bench. In view of that, the Principal Seat as well as this Bench can exercise jurisdiction over the present matter.

4. Considering that the impugned Government Resolution is pursuant to the order passed in Writ Petition No.7964 of 2016, pending before the Principal Seat, it would be appropriate that the present Writ Petition also is dealt with at Bombay.

5. In view of the above, the learned Advocate for petitioner submits that Writ Petition be returned to the petitioner for presenting it before the Principal Seat at Bombay. The Writ Petition is returned to the petitioner for presenting it before the Principal Seat.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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