

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

214

Civil Writ Petition No.8789 of 2020 (O&M)
Date of Decision: August 13th, 2020

Desh Bhagat Dental College and Hospital, Mandi Gobindgarh

...Petitioner

Versus

Union of India and others

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. A.B.S. Sidhu, Advocate
for the petitioner.

Mr. Arun Gosain, Advocate
for applicant-respondent No.1.

Mr. Manpreet Singh Longia, Advocate
for respondent No.2.

Mr. Surender Gandhi, Advocate
for respondent No.4.

Ms. Anu Pal, Assistant Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.7581-CWP of 2020

Prayer in this application is for placing on record the reply by way of a short affidavit on behalf of respondent No.1 and for dispensing with the filing of true typed copy of Annexure R-1.

Application is allowed subject to just exceptions.

Reply filed on behalf of respondent No.1 is taken on record.

Exemption, as prayed for, is granted.

CWP No.8789 of 2020

Petitioner has approached this Court by filing the present writ petition for quashing the letter dated 15.10.2019 and letters dated 30.01.2020 (Annexures P-5 to P-8) issued by the Dental Council of India-respondent No.2, order dated 28.02.2020 (Annexure P-9) passed by

Ministry of Health and Family Welfare-respondent No.1, whereby the application of the petitioner-college for increase in number of seats for the course of Master of Dental Surgery (MDS) for the academic session 2020-21 has been rejected without affording a proper opportunity of hearing for removal/clarifying the alleged deficiency.

2. Learned counsel for the petitioner has vehemently asserted that apart from the illegalities in the order, as have been pointed out and mentioned in the writ petition as of now, all the requirements as per the notified norms, stand fulfilled by the petitioner-college. Petitioner is ready for fresh inspection by the Dental Council of India to assess with regard to the fulfillment of the mandated aspects for granting further seats as prayed. Initially nine seats were granted for the course of MDS and further four seats are being sought to be increased. In case fresh inspection is carried out by the Dental Council of India-respondent No.2, all the discrepancies, if any, pointed out, stand removed. He asserts that the college is even ready for the surprise checking/inspection of the college as he asserts that the Dental Council of India can come on any working day for the said inspection.

3. Counsel for respondents No.1 and 2 submits that the said prayer of the petitioner cannot be accepted in the light of the notification dated 07.03.2016 (Annexure R-1) issued by respondent No.1. According to the said schedule, the final recommendation by the Dental Council of India could be made on or before 31.01.2020 and the letter of permission could be issued by the Central Government by 28.02.2020. There has been no extension as regards these aspects by respondent No.1. Assertion has also been made that although because of the prevailing pandemic and lockdown

imposed on 23.03.2020, the date of commencement of the academic session/term as also the last date upto which the students can be admitted and joined against the seat arising due to any reason, has been extended now, which the petitioner is seeking at this stage, cannot be granted to it because there has been no extension with regard to the issue of letter and permission by the Central Government, which came to an end on 28.02.2020.

4. Counsel for the parties are *ad idem* that as of now the last date for admission of students stands extended up to 31.08.2020 but because of the above aspect, the prayer as made by the petitioner, cannot be accepted at this belated stage.

5. Learned counsel for the petitioner as well as counsel for respondent No.2 admit the fact that the petitioner has submitted application for increasing the number of seats for the academic session 2021-22, which application will be considered and is under consideration of the Dental Council of India.

6. According to notification dated 16.06.2020 (Annexure R-2/8), which has been issued by respondent No.1 for the academic session 2020-21, the last date of filling up of the vacant seats was 31.07.2020, which now stands extended up to 31.08.2020 as admitted by the counsel for the parties.

7. Keeping in view the above aspect, the prayer as made by the petitioner in the present writ petition, thus, cannot be accepted at this stage, however, in the light of the application having been submitted by the petitioner for the academic session 2021-22, the Dental Council of India shall carry out the inspection at the earliest as per the schedule and inform

the petitioner about any discrepancies/objections well in time so that an opportunity is made available to the petitioner to remove the said discrepancies/objections well in time and that too within the schedule.

8. With these observations/directions, the present writ petition along with the application stands disposed of.

August 13th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No