

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4544 OF 2019
WITH
INTERIM APPLICATION (ST) NO. 15173 OF 2022
IN
WRIT PETITION NO. 4544 OF 2019**

Pankaj Ramesh Pawar	...	Petitioner/ Applicant
Versus		
Maharashtra University of Health Sciences, Nashik & Ors.	...	Respondents

Mr. Pradeep J. Thorat, Advocate for the Petitioner.
Mr. Rajshekhar V. Govilkar, Advocate for the Respondent No.1.
Ms. Smita R. Gaidhani a/w. Mr. Kedar Purav, Advocate for the Respondent No.2.
Ms. Anamika Malhotra, Advocate for the Respondent No.3/
Dental Council of India.

**CORAM: S.V. GANGAPURWALA &
S. M. MODAK, JJ.**

DATED : JULY 18, 2022

P.C.

1. The petitioner has sought admission to 1st year BDS course in the academic year 2010-11. He had cleared 1st year in three years. The petitioner has not cleared the three years course in nine years as contemplated in the Regulation dated 27th April 2015 as such now he is said to be discharged.

2. Mr. Govilkar, learned Counsel for the respondents submits that the Regulation dated 27th April 2015 would apply as the petitioner continued with the course, failed to complete the course in nine years and as such is rightly discharged.

3. Mr. Govilkar, learned Counsel for the respondents submitted that the petitioners were not consciously given permission to continue the course even after not clearing the 1st year in three years.

4. Reliance is placed on the judgment of the Division Bench of this Court Bench at Aurangabad holding that the Regulations as operating on the date of admission to the course would apply and not subsequent regulations. Reliance can be had on the judgment of this Court in ***Bhakti Manojkumar Gaggad & Ors. versus State of Maharashtra & Ors.***¹

5. It has been held that in view of the fact that the petitioner had cleared the 1st year in three years before introduction of amendment dated 27th April 2015, the petitioners would be governed by the regulation as was operating at the time they had taken the admission and the subsequent regulation dated 27th April 2015 shall not apply.

6. The respondents shall declare the result of the petitioner's examination. In case the petitioner is otherwise eligible, the petitioner shall be allowed to continue the Course and shall not be released from BDS course only on the ground of notification dated 27th April 2015. The writ petition is accordingly disposed of.

7. In view of disposal of writ petition, interim application shall also stand disposed of.

(S. M. MODAK, J.)

(S.V. GANGAPURWALA, J.)

1 2018 (5) Mh. L. J. 365.