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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.36530 OF 2003

Dr.K.S.Krishnan Unni

... Petitioner

Vs.

1. The Government of India
Rep. by its Secretary
Department of Health, Ministry of Health
New Delhi
2. The Government of Tamil Nadu
Rep. by its Secretary (Health)
Pondicherry.
3. The Registrar
Dentists Registration Tribunal
Under Secretary (Health)
Govt of Pondicherry
Pondicherry

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to reference No.11610/H5/2003/Vol-1, Government of Pondicherry, Chief Secretariat (Health) dated 14.10.2003 from the file of the 3rd respondent and quash the same and further direct him to issue registration certificate to the members of the petitioner association as per the amended register before the constitution of dental council.

For Petitioner	:	Mr.Kasirajan for Mr.K.Kalyanasundaram
For Respondent-1	:	Mr.J.Madhanagopal Rao CGSC for R1
For Respondents 2 and 3	:	Mr.V.P.Chamuraj for Ms.V.Usha , AGP (Puducherry)



O R D E R

The petitioner is an Association of Dentists practising in Puducherry. Alleging that the Members of it's Association were prevented from carrying on their profession by the respondents on the pretext that they were not registered, the petitioner is before this Court.

2. It appears that when the writ petition was filed in the year 2003, the State Dental Council was not constituted by the second respondent Puducherry Government.

3. When the matter is taken up for final hearing today, the learned Government Pleader (Puducherry) would submit that the Government vide G.O.Ms.No.61, dated 04.08.2010, in exercise of its powers conferred under Section 21 of the Dentists Act, 1948, has constituted the State Dental Council and so many Dentists, who have registered with the Dentists Registration Tribunal have approached the State Dental Council and got themselves registered. The Dentists Registration Tribunal also handed over the Register of Dentists in Part-B to the State Dental Council. The Dentists, whoever registered themselves before the State Dental Council, carrying on their profession without any interference from any quarter.

4. It is noted that the present writ petition filed in 2003 is only for a writ of Certiorarified Mandamus, to call for the records relating to reference No.11610/H5/2003/Vol-1, Government of Pondicherry, Chief Secretariat (Health) dated 14.10.2003 from the file of the 3rd respondent and quash the same and further direct him to issue registration certificate to the members of the petitioner association as per the amended register before the constitution of dental council.

5. Considering the subsequent developments, the petitioner/Association is directed to approach the State Dental Council for their remedies. In the event the petitioner/Association, got registered with the State Dental Council, the respondents shall not interfere with the practice of the Members of the petitioner / Association as Dentists and running the clinics and hospitals. If the Members of the petitioner / Association have any grievance, they can very well approach the Appellate Authority and after exhausting all the alternative remedies available under the Act, they can approach this Court, if they still have any grievance.



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6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kpr

To

1. The Secretary
Government of India
Department of Health, Ministry of Health
New Delhi
2. The Secretary (Health)
Government of Tamil Nadu
Pondicherry.
3. The Registrar
Dentists Registration Tribunal
Under Secretary (Health)
Govt of Pondicherry
Pondicherry

+lcc to Mr.Kasirajan, Advocate, S.R.No.22959

+lcc to the Government Pleader, (Pondicherry) S.R.No.23687

W.P.No.36530 of 2003

MT (CO)

CT 12/04/2022