



Review Application Nos.43 & 45 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application Nos.43 & 45 of 2022

in

W.P.Nos.11316 & 11317 of 2011

P.K.Balakrishnan ...Petitioner in Review Application No.43 of 2022

M.K.Babu ...Petitioner in Review Application No.45 of 2022

vs.

Union Territory of Pondicherry,
Rep.by its Principal Secretary to Govt. (Health)-
(cum)-Appellate Authority,
Chief Secretariat, Puducherry-605 001. ... Respondent in both the
Review Applications

PRAYER in Review Application No.No.43 of 2022 : Review Application
filed under Order 47 Rule 1 read with Section 114 of C.P.C. praying to
review the Order passed in W.P.No.11316 of 2011 dated 20.01.2022.

PRAYER in Review Application No.No.45 of 2022 : Review Application
filed under Order 47 Rule 1 read with Section 114 of C.P.C. praying to
review the Order passed in W.P.No.11317 of 2011 dated 20.01.2022.

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For Petitioner in both the
Review Applications : Mr.S.Sathia Chandran

For Respondent in both the
Review Applications : Mrs.Sharada Vivek
AGP (Puducherry)

COMMON ORDER

The review application has been filed mainly on the ground that the contentions of the petitioners and the arguments made through counsel with reference to the facts are not considered by this Court.

2.The learned counsel for the petitioners further states that it was clearly submitted by the learned counsel for the writ petitioners that in view of the non-issuance of Part 'B' Dentists Certificate to the writ petitioners, they could not practice Dentistry independently and they work only as Assistant to a Dentist, despite the fact that they have necessary experience and expertise. The learned counsel also offered to require the petitioner to appear before the Board of Dentists to be appointed by the High Court to test the proficiency of the writ petitioners in Dental practice.



3. With reference to the above grounds, this Court considered the fact that the petitioners were not possessing necessary medical qualifications for practicing Dentistry. In the absence of any proper educational qualification, the State cannot allow anybody to practice Medicine, more specifically Dental. The learned counsel for the petitioners has stated that the petitioners are only Assisting Dentists. Under the guise of assistance, they cannot be permitted to practice Dentistry even for assisting the Doctors. They should have completed the Nursing Course or possess necessary qualification for such assistance during the course of treatment to the patients. At the outset, unqualified persons cannot be permitted to practice Medicine or assist the Doctors while treating the patients. To practice Medicine including Dentistry or otherwise, necessary qualifications are mandatory and in the absence of any such qualification and appropriate registration before the Medical Counsel or Dental Counsel, no one has got right to practice Medicine including Dentistry.

4. All these aspects were elaborately considered by this Court. Certain arguments, which were found to be unnecessary has not been recorded by



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this Court. However, the said reason cannot be a ground to review the decision already taken by this Court. The decision arrived by this Court is that the persons who do not possess the requisite educational qualification in Dentistry, are neither entitled to practice nor can claim any right to assist the Doctors while treating the patients.

5.This being the factum, this Court does not find any error apparent for the purpose of reviewing the order passed by this Court. Certain grounds raised on merits cannot be considered in a review petition as the scope of the review petition cannot be expanded for re-adjudication of merits of the case which were already considered by this Court. Accordingly, the Review Petitions stand **Dismissed**. No costs.

15.03.2023

(Sha)

Index : Yes

Speaking order : Yes



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Union Territory of Pondicherry,
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S.M.SUBRAMANIAM, J.

(Sha)

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