



WEB COPY



W.P.No.20495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.20495 of 2023
and WMP.No.19893 of 2023

Dr.E.Kannan

... Petitioner

Vs

1.The Government of Puducherry
Rep. by its Secretary (Health)
Puducherry.

2.The State Dental Council
Rep by its Registrar
Union Territory of Puducherry
Puducherry - 605 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records from the second respondent herein pertaining to the impugned rejection of renewal order passed by the second respondent in No.008/SDC/Part-B/2022-2023/28 dated 23.03.2023 and quash the same and consequently direct the second respondent herein to renew the certificate within a time frame.



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For Petitioner : Mr.S.Prabu

For Respondents : Mr.A.Tamilvannan
Additional Government Pleader (Pondy)

ORDER

The petitioner is a registered Dentist under Section 32(4) of the Dentists Act, 1948, and his name was published in the Official Gazette of Puducherry dated 22.06.1982. In the said Gazette his name figures in Sl. No.B-60. According to the petitioner, his license to practice has been periodically renewed, but recently when he applied for renewal for the current year, it was rejected on the ground that his date of birth varies *vis-a-vis* his Aadhar card and his other documents.

2.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader, Pondicherry appearing for the respondents 1 and 2, and have perused the papers and also verified the records in particular the Gazette notice dated 22.06.1982.

3.This Court is informed that the petitioner's license to practice has been extended up to 31.12.2021, however it wonders as to why the petitioner's



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application for renewal of license to practice must be declined by the authorities forthwith merely because there is a discrepancy in the date of birth as between his Aadhar card and his other documents. In fitness of things, the authorities should have required the petitioner to explain the same and should have also taken into account all his earlier records, including the Gazette notification dated 22.06.1982, before arriving at a pragmatic conclusion.

4.This Court has reasons to *prima facie* believe that the petitioner has been practising dental from the year 1982 till 31.12.2021.

5.Therefore on weighing rival submissions, this Court considers it appropriate to set aside the impugned proceeding and remands the matter back to the respondents for it to hold an enquiry and give the petitioner a personal opportunity to explain the alleged and presumed discrepancy, and to take a decision on his application, taking into account all his earlier renewals over the years. The respondents are directed to decide the matter within a period of eight weeks from today. Till a final decision is taken on the application of the petitioner, there shall be an order of ad interim



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injunction restraining the respondents from suspending or interfering otherwise with the petitioner's practice.

6.In view of the above observations and directions, this writ petition stands disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
ds

To:

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N.SESHASAYEE.J.,

ds

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