



W.P.No.20492 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.20492 of 2023
and W.M.P.No.19891 of 2023

Dr.A.K.Ashraf Ali

... 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

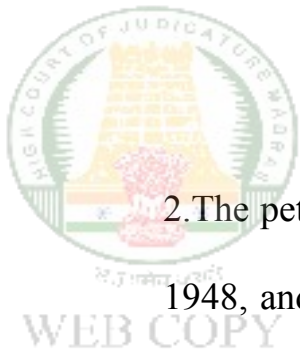
PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records from the 2nd respondent herein pertaining to the impugned rejection of renewal order passed by the 2nd respondent in No.008/SDC/Part-B/2022-2023/37, dated 23.03.2023 and quash the same and consequently direct the 2nd respondent herein to renew the certificate within a time frame.

For Petitioner : Mr.S.Prabhu

For Respondents : Mr.A.Tamlvannan
Additional Government Pleader, Puducherry

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.



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2.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 21.05.1982. In the said Gazette his name figures in Sl.No.170. According to the petitioner, his licence 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.

3.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader, Puducherry, appearing for the respondents 1 and 2 and have perused the papers and also verified the records in particular the Gazette notice dated 21.05.1982.

4.This Court is informed that the petitioner's licence to practice has been extended up to 31.12.2021, however it wonders as to why the petitioner's application for renewal of licence 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 asked the petitioner to explain the same and should have also taken into account all his earlier records, including the Gazette notification dated 21.05.1982, before arriving at a pragmatic conclusion.



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

6.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 (8) weeks from today. Till a final decision is taken on the application of the petitioner, there shall be an order of ad interim injunction restraining the respondents from suspending or interfering otherwise with the petitioner's practice.

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

11.07.2023

kas

Index : Yes / No

Neutral citation : yes/no



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N.SESHASAYEE, J.
kas

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Copy to:

- 1.The Secretary (Health),
Puducherry.
- 2.The State Dental Council,
Rep. by its Registrar
Union Territory of Puducherry,
Puducherry-605 006.

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