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W.P.No.24047 of 2023
WMP.No.23535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.24047 of 2023
& WMP.No.23535 of 2023

Dr.Shieh Shieping Chihua Chen
S/o Dr.Nien fong
No.111, East Car Street,
Tirunelveli Town,
Tamilnadu 627 006.

...Petitioner

-Vs-

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

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of 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/2022-2023/39 dated 23.03.2023 and quash the same and consequently direct the 2nd respondent herein to renew the certificate within a time frame as this Hon'ble Court fix.



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For Petitioner : Mr.S.Prabhu
For Respondents : Mr.A.Tamilvanan
Additional Government Pleader (P)

ORDER

This Court was visited with similar petitions in W.P.Nos.20018, 20735, 20492 and 20495 of 2023.

2.After the disposal of the first two Applications, this Court heard the learned Additional Government Pleader for the respondents making a statement that the Government is contemplating certain investigation into what it perceives as some fraud pursuant to the direction of a single Judge of this Court in W.P.No.39268 of 2003 and W.P.No.4742 of 2011 dated 10.04.2023.

3.In these circumstances, in the last two petitions this Court has passed the following order;

“The case of the petitioner is that his Application for renewal of license for practicing as a Dentist has been refused by the respondent on the ground that there is a variance in the Date of Birth as shown in the Aadhar Card and other records.

2.A similar matter, if not an identical matter came up before this Court on 10.07.2023 in W.P.No.20018 of 2023 and on



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11.07.2023 in W.P.No.20492 of 2023 and this Court has passed the following orders :

'...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.

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.'

3.For the present, the Court intends to do what it has done in



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those two cases. Accordingly, there shall be an order of ad interim injunction restraining the respondents from suspending or interfering otherwise with the petitioner's practice

4.In the meantime, since in all the three cases, the ground for rejection is identical, this Court entertains a serious doubt as to how it can happen. Therefore, the learned counsel for the respondent is required to file a status report on the matter.

5.Post the matter on 04.08.2023.”

4.This is the fifth case almost on the identical lines.

5.Mr.A.Tamilvanan, learned Additional Government Pleader (P) would submit that the investigation has commenced and that it would be done parallelly.

6.For the present, 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



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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, subject to any investigation or further action which the respondent may take pursuant to such investigation.

7.This Writ Petition is accordingly disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

16.08.2023

Index : Yes/No
Internet : Yes/No
Tsg

To

- 1.The Government of Puduchery,
Rep. by its Secretary (Health),
Puducherry.
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N.SESHASAYEE, J.,



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Order made in
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