



W.P.No.30362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.10.2023

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.30362 of 2023
and
W.M.P.No.29951 of 2023

P.V.Prabhakaran

... 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, seeking 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/2022-2023/31 dated 23.03.2023 and quash the same and consequently direct the 2nd respondent herein to renew the certificate within a time frame fixed by this Court.



W.P.No.30362 of 2023

For Petitioner : Mr.S.Prabhu
For Respondents : Mr.V.Vasanthakumar,
Additional Government Pleader

ORDER

Mr.V.Vasanthakumar, learned Additional Government Pleader, takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed by the petitioner seeking 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/2022-2023/31 dated 23.03.2023 and quash the same and consequently direct the 2nd respondent herein to renew the certificate within a time frame fixed by this Court.

3.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader, Puducherry appearing for the



W.P.No.30362 of 2023

respondents 1 and 2 and have perused the papers and also verified the records in particular the Gazette notice dated 22.06.1982.

4.This Court had dealt with a similar issue in W.P.No.20018 of 2023 and passed an order dated 10.07.2023, which reads as follows:

“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 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 21.05.1982, 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 1892 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



W.P.No.30362 of 2023

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 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.”

5.Considering the submissions and in similar facts of a case, this Court passed the above order and following the same, as the same would apply to the present facts of the case, this Court is inclined to set aside the impugned order dated 23.03.2023 and remit the matter back to the 2nd respondent for re-consideration. Further, the 2nd respondent is directed to consider the same on its own merits and pass an appropriate order in accordance with law within a period of 8 weeks from the date of receipt of copy of this order.



W.P.No.30362 of 2023

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6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

20.10.2023

(2/2)

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To:

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

2. The Registrar,
State Dental Council,
Union Territory of Puducherry,
Puducherry 605 006.



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W.P.No.30362 of 2023

KRISHNAN RAMASAMY.J.,
rst

W.P.No.30362 of 2023
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20.10.2023
(2/2)