



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 WRIT PETITION NO. 11999 OF 2024

PRAJAKTA SUNIL PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Thombre S.S.
AGP for Respondent/s – State : Mr. V.M. Kagne
Advocate for Respondent No. 3 : Mr. Alok Sharma

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 24 OCTOBER 2024

PER COURT :

The petitioner who was admitted to BDS Course in September 2015 is aggrieved by the fact that she is not being allowed to appear for the remaining subjects in the forthcoming examination.

2. Learned Advocate for the petitioner would submit that though by virtue of BDS course, Regulations dated 27 April 2015 a stipulation has been provided making it imperative for the students to clear the entire course within nine years, the Regulations were put in abeyance for the intervening period of two years. There was a pandemic. Even, the Supreme Court thought it fit to extend the period of limitation. Inability of the petitioner to clear the entire course within nine years should not be an impediment to allow her to complete the course now. He would refer to the decision in the matter of *Bhakti and Others Versus The*

State of Maharashtra and Others, **2018 (5) ALLMR 430**, and *Anjali Sunilrao More Versus The State of Maharashtra and Others*, in Writ Petition No. 4326/2019 and connected matters. He would submit that it is not an adversarial issue. If a student is ready and is able to complete the course even after expiry of nine years, she should be allowed to do so.

3. Learned Advocate Mr. Sharma who appears for the respondent no. 3/ Dental Council of India would submit that the petitioner was admitted to the BDS Course in September 2015, that means after coming into force of Regulations on 27 April 2015 and her case would be squarely covered by those Regulations. He would submit that as stipulated therein, a student who does not clear the BDS Course in all the subjects within a period of nine years from the date of admission has to be discharged from the course. He would submit that even if a proviso was sought to be added subsequently, and was awaiting approval of the Government of India, that had no relevance as far as the matter in issue is concerned. The proviso sought to be added was merely indicating that these Regulations of 2015 would also be applicable to the students admitted from the academic years 2008-2009 but has not cleared their first year BDS Course within three years from the date of admission. He would submit that factually the matters before this Court in case of *Bhakti* (supra) and *Anjali Sunilrao More* (supra) were standing on different footings and were not similar to the one before us.

4. We have considered the rival submissions and perused the papers.

5. Admittedly, the petitioner was admitted to the BDS Course in September 2015 after BDS Course Regulations had come into force with effect from 27 April 2015. As stipulated therein, admittedly, the petitioner has not been able to clear all the subjects within a period of nine years from the date of her admission to the course and stands discharged by the operation of the Regulation.

6. Sympathies apart, when this Regulation expressly requires the entire course to be cleared within nine years, inability of the petitioner to do so cannot change the course. She had the ample opportunity and could have made efforts. She cannot take exception to the Regulations since those had seen light of the day even before she was admitted to the BDS Course. It is not a matter of changing the rules after the game is played.

7. In the matter of *Bhakti* (supra), the petitioner therein were admitted even before the Regulations sought to be enforced against her, were brought. The issue in the *Anjali's* (supra) matter was also not akin to the one petitioner is facing, but rather was similar to the one in the matter of *Bhakti* (supra). The petitioner is not entitled to derive benefits of both the decisions.

8. The supervening events like the so called suspension of the Regulations of 2015 interregnum and the pandemic, in our

considered view cannot be the ground which would supersede the Regulations of 2015. There is no merit in the petition.

9. The Writ Petition is dismissed.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Thakur-Chauhan/-