



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3703 OF 2024

(Ku.Aayesh D/o Naim Jamai vs. The Maharashtra University of Health Sciences, Nashik and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. A.R.Wagh, Advocate for the petitioner.
Mr. Abhijit Deshpande, Advocate for respondents.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JUNE 21, 2024

The admission of the petitioner to the 1st year Bachelor of Dental Surgery (BDS) course was in September, 2015.

2) She has cleared 1st, 2nd and 3rd year of BDS course upto Summer-2023 and is now due for final year examination to be commenced from tomorrow.

3) It is claimed by her that she has informed that since there is a failure to satisfy the condition incorporated in the examination Regulation, she is not permitted to appear in the examination.

4) The contentions are – the petitioner is pursuing BDS course since last 09 years, still she was permitted to appear in Summer-2023 for 3rd year examination. As such, the respondent University has waived the condition of completion of the BDS course including that of Rotatory Internship within a period of 09 years.

5) The prayer is opposed by Mr.Deshpande, learned counsel appearing for respondent Maharashtra University of Health Sciences based on Regulation.

6) The relevant Regulation framed by the Dental Council of India in 2007 reads thus :-

“Any student who does not clear the BDS Course in all the subjects within a period of 9 years, including one year Compulsory Rotatory paid Internship from the date of admission shall be discharged from the course.”

7) Once the Regulation contemplates that the student who is admitted to BDS course must complete his or her Degree education including Rotatory Internship within a period of 09 years, the petitioner cannot claim operation of estoppel against the said statutory provision just because she was permitted in last year to appear in spite of expiry of period of 09 years.

8) In the aforesaid background, we see hardly any reason to cause interference in extraordinary jurisdiction. As such, the writ petition is dismissed. No order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)