



WEB COPY

W.A.No.545 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

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Dental Council of India
Through its Secretary, Aiwan E.Galib Marg,
Kotla Road, Temple Lane, Opp. to Mata Sundri
College For Women, Mandi House,
New Delhi Pin Code:110 002.

.. Appellant

Vs

1. Sharanya Balaji Nadar
2. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Annasalai, Guindy,
Chennai (Tamil Nadu), Pin Code:600 032.
3. The Secretary,
Selection Committee,
Directorate of Medical Education,
No.162, Periyar, EVR High Road,
Kilpauk, Chennai-600 010.
4. Chettinad Dental College and Research Institute,
Represented by its Principal, IT Highway,
Kelambakkam, Kanchipuram – 603 103.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters patent against the



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order dated 14.07.2020 passed in W.P.No.32099 of 2019 on the file of this Court.

For the Appellant : Mr.S.Haja Mohideen Gisthi

For the Respondents : Ms.Madhu Preetha Elango
For Mr.Rahul Balaji, for R-1
: Mr.G.Arumugam
Standing Counsel for R-2
: Mrs.M.Sneha
Sr. Special Counsel for R-3
: Mr.T.Balaji for R-4

JUDGMENT

(Judgment of the Court was made by
S.M.SUBRAMANIAM, J.)

The Dental Council of India (DCI) filed the present writ appeal mainly on the ground that Tamil Nadu Dr.MGR Medical University and the Selection Committee, Directorate of Medical Education, respondents 2 and 3, have admitted the first respondent in violation of the BDS Course Regulations, 2007.

2. The first respondent passed her High School Diploma from Briar Woods High School, Virginia, accredited by the Southern Association of Colleges and Schools, USA. Association of Indian Universities issued an Equivalence Certificate on 10.07.2019 stating



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that the qualification acquired by the first respondent in Virginia is equated with 12 year Senior School Certificate of Central Board of Secondary Education, Delhi/other Boards in India. Based on the said equivalence certificate, the first respondent was permitted to participate in the NEET examination. She was successful in the NEET examination and secured admission at Chettinad Dental College and Research Institute, Kelambakkam. The first respondent completed the course successfully and based on the writ order impugned, the Tamil Nadu Dental Council registered the name of the first respondent and a certificate of provisional registration was issued subject to the final orders to be passed in the writ appeal.

3. Mr.Haja Mohideen Gisthi, learned counsel appearing on behalf of the appellants, would submit that both Tamil Nadu Dr.MGR Medical University and the Selection Committee, the second and third respondents herein, have violated the BDS Course Regulations and the first respondent is ineligible to secure admission to BDS course since the High School Diploma from Briar Woods High School, Virginia is not equivalent to 12 year higher secondary course or the 12 year senior school certificate issued by CBSE, Delhi. The first respondent



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was not eligible and was admitted in violation of the regulations issued by the DCI. Thus, the course undergone by the first respondent cannot be approved by DCI.

4. We are of the considered opinion that there was no misrepresentation or suppression of fact on the part of the first respondent, while seeking admission to BDS course. She secured equivalence certificate from Association of Indian Universities, which was accepted by the NEET exam authority and the first respondent was permitted to participate in the NEET examination. Since the first respondent was successful, she secured admission to BDS course at Chettinad Dental College and Research Institute. Thus, the first respondent secured admission only through counselling conducted by the third respondent and by following due process. Since there was no misrepresentation on the part of the first respondent and she had successfully completed the BDS course, we are not inclined to interfere with the writ order which is impugned in the present writ appeal.

5. If at all the Tamil Nadu Dr.MGR Medical University and the



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Selection Committee, Directorate of Medical Education or the NEET authorities have violated the Dental Council of India Regulations for admission to BDS course, it is left open to the DCI to initiate appropriate action against the authorities who have violated the regulations. Contrarily, the first respondent, who is a student, cannot be penalised for the mistakes committed by the competent authorities. She had completed the course by passing the examinations and therefore, the degree acquired by the first respondent is to be held valid.

6. We make it clear that the relief granted in favour of the first respondent is based on certain peculiar circumstances and therefore, this order cannot be cited as a precedent for securing relief in any other cases where violations are noticed.

7. With these observations, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

(S.M.S., J.) (C.K., J.)
02.07.2024

Index : Yes



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: Yes



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AND
C.KUMARAPPAN, J.

(sra)

To

1. The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Annasalai, Guindy, Chennai (Tamil Nadu),
Pin Code:600 032.
2. The Secretary,
Selection Committee,
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