

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-140-2024

Date of decision : 08.01.2024

T. Tokuli Chishi and others

... Petitioners

Versus

Dental Council of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Ms.Shaveta Sanghi, Advocate
for the petitioners.Mr.Manpreet Singh Longia, Advocate
for respondent no.1.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the impugned result dated 17.11.2023 (Annexure P-2) whereby admission of the petitioners has been cancelled. Challenge is also to the order dated 29.12.2023 (Annexure P-5) vide which the representation of the petitioners has been rejected.

2. Learned counsel for the petitioners has submitted that several students from the batch of 2009 and 2014 were permitted to reappear and has prayed that on the ground of parity, the petitioners who belong to batch of 2015, be also permitted to reappear. Learned counsel for the petitioners has referred to the result of final year examination Aug-2023 dated 17.11.2023 (Annexure P-2) to show that some students belonging to batches of 2009 and 2014 were permitted to reappear in the year 2023. Specific

reference has been made to roll no.963151 of one Pankaj Kumar son of

Mithoo Ram who is stated to be registered in the batch of 2009. Further reference has been made to roll no.963153 belonging to Arun Singh Dhanker son of Bachhu Singh Dhanker, who is stated to be from the 2014 batch. Learned counsel for the petitioners has submitted that inadvertently in the earlier representation given in pursuance of the order dated 21.12.2023 passed by this Court in CWP-29149-2023, the petitioners did not mention the specific details of the said students and prays that one more opportunity be granted to the petitioners to give a fresh representation after giving the specific details of the students of batch of 2009 and 2014 who, as per the case of the petitioners, have been permitted to reappear after a period of 9 years and their case is on parity with the case of the petitioners.

3. Learned counsel appearing for respondent no.1 has submitted that the representation, which was submitted by the petitioners, was absolutely cryptic and has submitted that the orders dated 29.12.2023 (Annexure P-5) have been passed on the basis of representation submitted by the petitioners. It is however submitted that in case any fresh representation is submitted with specific details, respondent no.1 would reconsider the matter and pass a speaking order within a period of 15 days from the date of the receipt of the said representation. It is further submitted that the petitioners be directed to duly submit a fresh representation to respondent no.1 and a copy of the same be also given to the learned counsel of respondent no.1 along with certified copy of the present order passed by this Court.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with the following directions:-

- i) The petitioners are granted liberty to file a detailed representation before respondent no.1 giving all the details

including the details of the students as has been argued by learned counsel for the petitioners before this Court hereinabove. A copy of the representation would be sent to respondent no.1 and copy of the same be also given to learned counsel appearing for respondent no.1.

ii) The competent authority of respondent no.1 is directed to consider the said representation and take a final decision on the same within a period of 15 days from the date of the receipt of said representation.

iii) In case the plea raised by the petitioners is found to be meritorious, then necessary directions, in accordance with law, be issued immediately to respondent no.2-University and in case, the plea of the petitioners is not found to be meritorious, then a speaking order rejecting the same be passed within a period of 15 days from the date of the receipt of the representation.

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent no.1 would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)
JUDGE

January 08, 2024.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No