



CWP-13370-2024

1

125

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP-13370-2024

Date of decision : 30.05.2024

Trisha Gupta

... Petitioner

Versus

Pt.B.D. Sharma University of Health Sciences, Rohtak and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vivek Lamba, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent nos.1 to 3 to allow the petitioner to appear in the Bachelor of Dental Surgery (B.D.S.) (4th year) examination to be conducted in August / September, 2024.

2. Learned counsel for the petitioner has submitted that the petitioner had taken admission in B.D.S. Course in the year 2015, although after 27.04.2015, and that the petitioner could not clear the first year examination from 2016 to 2021 and thereafter cleared her first year of B.D.S. Course in September, 2021, after 6 years of admission. It is further submitted that the petitioner had cleared the 2nd year examination in

December, 2022 after three attempts and thereafter cleared the 3rd year

**CWP-13370-2024****2**

examination in August, 2023 in a single attempt and now the petitioner wants to sit in the final 4th year examination but she has not been permitted to sit in final year examination. It is stated that once the petitioner has already passed the 3rd year examination, then ,the petitioner should also be permitted to complete the 4th year examination and non-permission of the same by the respondent authorities is illegal and against law.

3. This Court has heard the learned counsel for the petitioner and has perused the paper book.

4. The petitioner had made two representations dated 18.04.2024 (Annexure P-4) and 06.05.2024 (Annexure P-5) to respondent no.1-University and respondent no.2-Dental Council of India respectively and the said representations have been rejected by both the University as well as the Dental Council of India vide letters dated 24.03.2024 and 13.05.2024 respectively and the said orders have been annexed as Annexures P-6 & 7. The said letters have not been challenged in the present writ petition. Moreover, a perusal of the letter dated 24.03.2024 (Annexure P-6) issued by respondent no.1-University would show that the request of the petitioner to be given mercy chance in the examination has been considered but could not be acceded to in view of the provision of the 7th amendment of DCI's Revised BDS Course Regulations 2007, according to which, "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". Similarly, in the letter dated 13.05.2024 (Annexure P-7), the Dental Council of India has

**CWP-13370-2024****3**

given the same reason and has further clarified that in case a student has taken admission after 27.04.2015, then, the 7th amendment of DCI's Revised BDS Course Regulations, 2007 which came into force from the date of its notification in the official gazette of India i.e., 27th April, 2015, would apply and that the student has to complete his/her BDS Course including internship within a period of nine years. It is the said regulations which apply to the present petitioner and admittedly, the petitioner has not cleared her B.D.S. Course within the maximum period prescribed in the said regulations. No challenge has been made to the said regulations in the present writ petition. As stated hereinabove, even the rejection/letters have not been challenged. It would also be relevant to note that a further perusal of the letter dated 13.05.2024 would show that even with respect to a student, who has taken admission before 27th April 2015, as per the earlier regulations although no time limit was prescribed for completing B.D.S. Course but the student was required to clear the first B.D.S. examination in all subjects within 3 years from the date of admission, failing which the student was liable to be discharged. It is the own case of the petitioner that the petitioner did not clear the first year examination within a period of 6 years.

5. Keeping in view the above said facts and circumstances, finding no merit, the present writ petition is liable to be dismissed and is accordingly, dismissed.

(VIKAS BAHL)
JUDGE

May 30, 2024

2024:PHHC:077764



CWP-13370-2024

4

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No