



\$~31

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4291/2024, CM APPL. 17610/2024, CM APPL. 36895/2024**
PDM DENTAL COLLEGE AND RESEARCH INSTITUTE

.....Petitioner
Through: Mr.Aditya Wadhwa and Mr.Shivansh
Agarwal, Advs.

versus

UNION OF INDIA & ANR.Respondents
Through: Mr.Neeraj, SPC and Mr.Sachin
Saraswat, Adv.
Mr.T.Singhdev and Mr.Abhijit
Chakravarthy, Advs. for R-2.
Mr.Akshay Srivastava, Adv for
impleader.
Mr.Vedansh Anand, GP.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
04.10.2024

%

1. In the instant writ petition, the following relief has been prayed for:-

"a. Issue writ, order or direction to the Respondents to issue appropriate notifications to recognise degrees of the students enrolled in BDS and MDS courses at the Petitioner Institute for all future batches commencing from the batch that gave its final examination in the year 2022 for MDS courses and BDS courses ;

b. Issue a writ of mandamus or any other suitable writ, order or direction to the Respondent not to insist the Petitioner Institute for applying afresh for recognition of upcoming batches of BDS and MDS Courses run by PDM Dental College and Research Institute, Bahadurgarh;

c. Pass an order setting aside the Letter dt. 06.12.2023 and 15.12.2023



whereby Respondent No. 2 has directed the Petitioner Institute to reapply for recognition of degrees of students enrolled in MDS courses appearing for their final examination in the year 2023 onwards including furnishing requisite documents and payment of the inspection fees for each MDS speciality;

d. Pass any other order which this Hon'ble Court may deem fit and proper in the facts and circumstances."

2. The Court takes note of the judgment passed by this Court on 23.08.2024 in W.P.(C) 11620/2024 titled as ***Dr. Supreeti Chahal v. Union of India & Ors.***, whereby, the prayer of the students for grant of recognition to the MDS degree of the petitioner's college was declined and instead the students were relegated to approach the jurisdictional High Court.

3. The relevant paragraphs of the aforesaid decision read as under:-

"11. The common issue that arises is whether these petitions are maintainable before this Court, considering the question of territorial jurisdiction.

12. In the present case, all the petitioners herein had appeared in the NEET-MDS 2020 Examination, and had successfully qualified the same, and pursuant thereto, they were allotted seats in the MDS course in respondent no. 4 i.e. PDM Dental College and Research Institute, Haryana, in the 2020-2023 Batch.

13. The grievance of the petitioners now, essentially, is that the Dental Council of India has refused to recognize the MDS Degree awarded to the petitioners by respondent no. 4 College. The ground on which the petitioner has approached this High Court is that the Head Office of the Dental Council of India i.e., respondent no. 3 is situated within the territorial jurisdiction of this Court. However, merely because the office of respondent no. 3 is situated within the territorial jurisdiction of this Court, it cannot be a ground to entertain the instant writ petition.

14. This Court notes that in these writ petitions, the petitioners have made several averments as to how the respondent no. 4 College, situated in District Jhajjar, Haryana, after completion of final examination of the MDS Batch of 2020-2023, had started delaying the practical examination, and how the same was conducted after a delay of about four months. The State of Haryana has also been impleaded as



a party in these petitions, since one of the averments of the petitioners is also that the respondent no. 4 College is a recognized College/institute as per the data available on concerned websites of State of Haryana. Pertinently, the learned counsel appearing on behalf of Dental Council of India had drawn this Court's attention towards the fact that the College/institute from which the petitioners have acquired their MDS degree, i.e. PDM Dental College and Research Institute situated in State of Haryana, is built on a land which has been mortgaged. He further informed this Court that some proceedings under the SARFAESI Act are pending against the said College, in the competent Courts of State of Haryana, and there are other disputes also between the Directors of the college.

16. Thus, as per the abovesaid judgment, in case a small part of cause of action arises within the territorial jurisdiction of a High Court, the same by itself may not be considered to be a determinative factor to compel that particular High Court to exercise its jurisdiction. Further, in appropriate cases, the Court may decline to exercise its discretion by invoking the doctrine of forum conveniens.

17. Determination of the question as to whether the facts pleaded constitute a part of the cause of action, sufficient to attract clause (2) of Article 226 of the Constitution, would necessarily involve an exercise by the High Court to ascertain that the facts, as pleaded, constitute a material, essential or integral part of the cause of action. In so determining, it is the substance of the matter that is relevant. It, therefore, follows that the party invoking the writ jurisdiction has to disclose that the integral facts pleaded in support of the cause of action do constitute a cause empowering the High Court to decide the dispute and that, at least, a part of the cause of action to move the High Court arose within its jurisdiction. Such pleaded facts must have a nexus with the subject-matter of challenge based on which the prayer can be granted. Those facts which are not relevant or germane for grant of the prayer would not give rise to a cause of action conferring jurisdiction on the court. These are the guiding tests”

(Emphasis Supplied)

18. A Coordinate Bench of this Court in the case of Chinteshwar Steel Pvt. Ltd. v. Union of India, 2012 SCC OnLine Del 5264, has held that in case of pan India Tribunals, or Tribunals/statutory authorities having jurisdiction over several States, the situs of the Tribunal would not necessarily be the marker for identifying the jurisdictional High Court.

19. This Court also notes, based on judicial precedents, that Courts have the power under Article 226 of the Constitution of India to exercise or decline their discretion to entertain writ petitions when the



petitioner has an alternative, more appropriate, and convenient High Court to approach. As mentioned above, it is reiterated that it is a settled position of law that if only a part of the cause of action arises within the territorial jurisdiction of the Court, the Court may decline to entertain the case if it is of the opinion that it is not the forum conveniens.

20. Considering the aforesaid facts and circumstances, this Court is of the view that the reasons for which Dental Council of India has yet not recognized the Degree issued by respondent no. 3 college, situated in Haryana, is due to factum of several legal proceedings qua the said College pending in competent Courts of Haryana, and therefore, the present petition is dismissed alongwith pending applications solely on the ground of territorial jurisdiction. The petitioners would be at liberty to approach the appropriate Court of jurisdiction for redressal of their grievance, in accordance with law.”

4. In view of the aforesaid, it is palpably clear that in the instant writ petition as well, the material, integral and essential part of the cause of action arises outside the territorial jurisdiction of this Court. Accordingly, the instant petition stands dismissed.
5. The petitioner shall be at liberty to approach the jurisdictional High Court.
6. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J

OCTOBER 4, 2024/MJ