

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.449 of 2025
In
Civil Writ Jurisdiction Case No.12278 of 2024

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1. The State of Bihar through the Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, Vikas Bhawan, New Secretariat, Patna, Pin - 800015.
 2. The Additional Chief Secretary, Department of Health and Family Welfare, Government of Bihar, Vikas Bhawan, New Secretariat, Patna, Pin - 800015.
 3. The Director, Department of Health and Family Welfare, Government of Bihar, Vikas Bhawan, New Secretariat, Patna, Pin - 800015.

... .. Appellant/s

Versus

1. Pramod Kumar Son of Upendra Ray Resident of Village - Sanjay Nagar Road No. -5, Post - GPO at Patna, Police Station - Jakkanpur, District- Patna, Pin - 800001.
2. Aaditya Kumar, son of Satendra Kumar, Resident of Village- Morsand, Post Office- Morsand, Police Station- Pusa, District- Samastipur, Pin- 848115.
3. Vishal Aman, son of Binod Kumar Choudhary, Resident of Village- Dobhra par near Power Station, Post- Nawada, Police Station- Nawada, District- Nawada, Pin- 805110.
4. The Registrar, Magadh University, Bodh Gaya, Bihar Pin Code- 824234.
5. The Secretary, Dental Council of India, National Dental Commission Building, Plot no- 14 Sector- 9, R.K. Puram, New Delhi, Pin- 110022.
6. Union of India through its Secretary to the Government of India, Ministry of Health and Family Welfare, Nirman Bhawan, Maulana Azad Road, New Delhi, Delhi- 110011.
7. The Chairman, Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Hariom Nagar, New Bailey Road, Patna, Bihar Pin- 801503.

... .. Respondent/s

with
Letters Patent Appeal No. 450 of 2025
In
Civil Writ Jurisdiction Case No.13143 of 2024

1. The State of Bihar through the Chief Secretary, Bihar.
2. The Additional Chief Secretary, Department of Health, Government of Bihar, Patna.

... .. Appellant/s

Versus



1. Deeksha Kumari D/o Amardeep R/o Line Bazar Purnea, Opposite - Dak Bungalow, P.O. - Purnea, P.S. - K - Hat, District- Purnea, Bihar.
2. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India.
3. The Secretary, Ministry of Health and Family Welfare, Government of India.
4. The Dental Council of India, New Delhi through its President.
5. The President, Dental Council of India, New Delhi.
6. Magadh University through its Registrar, Bodh Gaya, Gaya.
7. The Registrar, Magadh University, Bodh Gaya, Gaya.
8. Dr. B.R. Ambedkar Institute of Dental Sciences and Hospital, Hari Om Nagar, New Bailey Road, Patna through its Principal.

... ... Respondent/s

with
Letters Patent Appeal No. 454 of 2025
In
Civil Writ Jurisdiction Case No.11629 of 2024

1. The State of Bihar through the Chief Secretary, Bihar.
2. The Additional Chief Secretary, Department of Health, Government of Bihar, Patna.

... ... Appellant/s

Versus

1. G.V. Shyama D/o Gautam Singh, R/o Mahamada, Bagwanpur, P.S. Bhagwanpur, District- Siwan.
2. Najmus Sehar, D/o Najeeb Ahmad, R/o Road No. 1, Indrapuri Colony, Somanpura, Rajabazar Rukanpura P.S. B.V. College, District Patna.
3. Arpita Singh, D/o Haradhan Singh, R/o Milan Pally, P.S. Kishanganj, District- Kishanganj.
4. Aliya Munabbar, D/o Munabbar Ali, R/o MTN Ghosh Road Champanagar, P.S. Nathnagar, District - Bhagalpur.
5. Shahin Ansari, D/o Nesar Ansari, R/o Ramji Dubey Tola P.S. Dhaka, District - East Champaran.
6. Priya Yadav, D/o Arun Singh, R/o Byapur, P.S. Maner, District Patna.
7. Jeet Kriti, D/o Sunil Kumar Thakur, R/o Hajipur, P.S. - Hajipur, District - Vaishali.
8. Shristi Pandey, D/o Santosh Kumar Pandey, R/o Purana Sabalpura Babuan Bhojpur, P.S. Babuna, District- Bhojpur.
9. Ekta Anand, D/o Anand Gyan Ranjan, R/o East Karyanand Nagar P.S.



Lakhisarai, District - Lakhisarai.

10. Amrita Bharti, D/o Deepak Kumar Mahto, R/o Dohat Narayan Baheri, Darbhanga, P.S. Bohat Narayan, District- Darbhanga.
11. Sneha Singh, D/o Mithilesh Kumar Singh, R/o Rajiv Nagar Road, No. 8D, P.S. Keshri Nagar, District- Patna.
12. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India.
13. The Secretary, Ministry of Health and Family Welfare, Government of India.
14. The Dental Council of India, New Delhi through its President.
15. The President, Dental Council of India, New Delhi.
16. The B.R. Ambedkar Institute of Dental Sciences and Hospital, Hari Om Nagar, New Bailey Road, Patna through its Principal.

... .. Respondent/s

with
Letters Patent Appeal No. 455 of 2025
In
Civil Writ Jurisdiction Case No.12083 of 2024

1. The State of Bihar through the Chief Secretary, Bihar.
2. The Additional Chief Secretary, Department of Health Government of Bihar, Patna.

... .. Appellant/s

Versus

1. Pratyush Ranjan Son of Uday Shankar Prakash, Resident of Village and P.O.- Uber, P.S. Ghoshi, District- Jehanabad.
2. Vishakha, D/o Vishwanath Prasad Mehta, Resident of Near Middle School, Dilawarpur, Munger, P.O. Munger, P.S. Munger Kotwali, District- Munger.
3. Namita D/o Manoj Kumar Jha, Resident of Suhird Nagar, Panhas, Begusarai, ward No. 26, P.O. Suhird, Nagar, P.S. Lohiya Nagar, District- Begusarai.
4. Manisha Kumari, D/o Raj Kumar Thakur, Resident of Pantoka Road, Raxaul, East Champaran, Bihar, P.O. Haraiya, P.S. Raxaul, District- East Champaran- 845305.
5. Neha Nishi D/o Arun Kumar, Resident of Gurukul Bhawan, Ward no. 10, Fazalganj, Sasaram, P.O. and P.S.- Sasaram, District-Rohtas.
6. Kumari Pragya Bharti, D/o Binod Prasad, Resident of East of Patna Road, Shivdat Bigha, Ekangar Sarai, Nalanda , Bihar, P.O. and P.S. Ekangar Sarai, District- Nalanda- 801301.
7. Priyanka Singh, D/o Man Singh, Resident of Jagdeo Nagar near Over Bridge, Bazar Samiti Ara, Bhojpur, P.O. Anaith, P.S. Nawada District-



Bhojpur.

8. Prince Kumar, Son of Baliraj Singh, Resident of Baghakhoh, P.O. Tetrahrh, P.S. Akorhi Gola, District-Rohtas.
9. Jaya Singh, D/o Sudarshan Singh, Resident of Ashok Nagar, Pokharia Jail Road, NH- 31, Ward No. 36, P.O. and P.S.- Begusarai.
10. Annu Shree, D/o Rajeev Kumar, Resident of Near Post Office, Dularpur, Ward no. 01, Nayanagar,P.O.-Dularpur, P.S.-Teghra, District- Begusarai.
11. Aarushi Gupta, D/o Sunil Kumar, Resident of Satsang Mandir Road, Gandhi Path, Ward no. 08, Kahara,P.O.- Head Quarter Saharsa, P.S.- Sadar Thana, District-Saharsa.
12. Noman Ahmad, Son of Mohammad Sidique, Resident of Village- Dharambari, P.O. Safiyabad, P.S. Baikunthpur, District- Gopalganj.
13. Sakshi Snehi, D/o Bhavesh Mishra, Resident of Village- Shirniya Tola, Shirniya, Itahri, P.O. - Gogri, P.S.- Jamalpur, District- Khagaria.
14. Shreya Raj, D/o Mukul Kumar, Resident of Bishunpur Gadh, Ward no.15, Maudah Buzurg, District-Vaishali.
15. Pawan Kumar , Son of tarkeshwar Prasad Singh, Resident of Paijana, P.O. Paijana, P.S. Ghoswari, District- Patna.
16. Pritam Kumari, D/o Buchkun Sharma, Resident of Village- Jhandapur, P.O. Bihpur, P.S. Bihpur, District- Bhagalpur.
17. Sanu Kumar, Son of Devnandan Prasad Singh, Resident of Village and P.O.- Phulwariya, P.S. Gogari, District- Khagaria.
18. Misha Bharti, D/o Prabhas Kumar, Resident of Village- Kursaha, P.S. Mohiuddin Nagar, District- Samastipur.
19. Saniya Farhat, D/o Md. Afzal Alam, Resident of Flat No. 101, Hashmi Residency, Ward no. 12, Near- Chitkohra Masjid Anishabad, District- Patna.
20. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India.
21. The Secretary, Ministry of Health and Family Welfare, Government of India.
22. The Dental Council of India, New Delhi through its President.
23. The President, Dental Council of India, New Delhi
24. Magadh University through its Registrar, Bodh Gaya, Gaya.
25. The Registrar, Magadh University, Bodh Gaya, Gaya.
26. Dr. B.R. Ambedkar Institute of Dental Sciences and Hospital, Hari Om Nagar, New Bailey Road, Patna through its Principal

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 449 of 2025)

For the Appellant/s	:	Mr P.K.Shahi, AG. Mr.Anukriti Jaipuriyar (R.C. To A.G.)
For the Respondent/s	:	Mr.Siddhartha Prasad, Adv.



For UOI : Mr. K.N. Singh, ASG
Mr. Brajesh Kumar Pandey, CGC
Mr. Shivaditya Dhari Sinha, Adv.

For Dental Council of India : Mr. S.D. Sanjay, ASG
Mr. Mohit Agarwal, Adv.
Mr. Lokesh Kumar, Adv.

(In Letters Patent Appeal No. 450 of 2025)

For the Appellant/s : Mr P.K.Shahi, AG.
Mr.Anukriti Jaipuriyar (R.C. To A.G.)

For the Respondent/s : Mr. Amardeep, Adv.

For UOI : Mr. K.N. Singh, ASG
Mr. Brajesh Kumar Pandey, CGC
Mr. Shivaditya Dhari Sinha, Adv.

For Dental Council of India : Mr. S.D. Sanjay, ASG
Mr. Mohit Agarwal, Adv.
Mr. Lokesh Kumar, Adv.

(In Letters Patent Appeal No. 454 of 2025)

For the Appellant/s : Mr P.K.Shahi, AG.
Mr.Anukriti Jaipuriyar (R.C. To A.G.)

For the Respondent/s : Mr.Patanjali Rishi, Adv.

For UOI : Mr. K.N. Singh, ASG
Mr. Brajesh Kumar Pandey, CGC
Mr. Shivaditya Dhari Sinha, Adv.

For Dental Council of India : Mr. S.D. Sanjay, ASG
Mr. Mohit Agarwal, Adv.
Mr. Lokesh Kumar, Adv.

(In Letters Patent Appeal No. 455 of 2025)

For the Appellant/s : Mr P.K.Shahi, AG.
Mr.Anukriti Jaipuriyar (R.C. To A.G.)

For the Respondent/s : Mr.Siddhartha Prasad, Adv.

For UOI : Mr. K.N. Singh, ASG
Mr. Brajesh Kumar Pandey, CGC
Mr. Shivaditya Dhari Sinha, Adv.

For Dental Council of India : Mr. S.D. Sanjay, ASG
Mr. Mohit Agarwal, Adv.
Mr. Lokesh Kumar, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 29-04-2025

1. All these appeals have been taken up together
and are being disposed of by this common judgment.
2. The writ petitioners are all students of Dr. B.R.



Ambedkar Institute of Dental Sciences and Hospital, Patna (hereinafter referred to as “B.R. Ambedkar Dental College”) which stood de-recognized by the Dental Council of India (in short ‘DCI’) for not having followed the guidelines with regard to infrastructure and the academic faculties. However, a letter was issued by the Govt. of India to the DCI to look into the grievances of the students who had been admitted in B.R. Ambedkar Dental College and if possible make arrangements for their being transferred to other Govt. recognized Dental Colleges in the State of Bihar.

3. Pursuant to such a communication, a request was made by the DCI to the Govt. of Bihar for taking necessary steps for accommodating / transferring the students of B.R. Ambedkar Dental College to other Govt. recognized Dental Colleges in the State of Bihar.

4. When nothing was being done on this communication from the Govt., the writ petitioners filed various writ petitions in the Court, all of which were heard by a learned Single Judge, who passed separate orders in



the writ petitions, directing the Govt. to accommodate the writ petitioners in the Govt. Dental College at Patna.

5. The appellant /State has serious objection to such a direction for two reasons.

6. All the writ petitioners /respondents in these set of appeals had appeared in NEET examination and on the basis of their performance, they were allocated seat in a private Dental College, namely, B.R. Ambedkar Dental College, which stood de-recognized later. The writ petitioners, therefore, cannot as a right demand for adjustment in the Govt. Dental College. All that they could legitimately ask for was their transfer to any other Govt. recognized Dental College in the State of Bihar.

7. The second objection to the judgment impugned is that at no point of time, the State Govt. had consented to transfer students of B.R. Ambedkar Dental College to Govt. Dental College, Patna.

8. A procedure, it has been informed, has been adopted by the Govt. in identifying Dental Colleges with vacant seats and the writ petitioners have been given the



option for selection of their colleges from amongst the list of such colleges prepared. If no option were to be exercised by the students, the transfer had to be carried out by way of draw of lots. This process is only to avoid any objection with respect to arbitrariness in allocating seats in different Dental Colleges to the writ petitioners as the process referred to above would be a double-blind process, with perhaps no say to the State to handpick particular student for a particular college.

9. The respondents / writ petitioners have objection to the aforesaid stand of the Govt. in as much as the fee structure of different colleges are different and the respondents might end up paying more than what they had settled for when they took admission in B.R. Ambedkar Dental College. The other objection is that in this case, the allocation had to be done by the Dental Council of India and it was not for the Govt. to decide that the students / respondents would not be transferred to a Govt. Dental College but only to private Dental Colleges, having vacant seats. The other apprehension of the respondents is that



they might miss out on the examination of the second year but this apprehension does not make up for any ground for the insistence of being admitted in a Govt. Dental College only.

10. It is a matter of common knowledge that the students getting more marks are generally accommodated in Govt. colleges, which are in greater demand by the students. It would otherwise be unfair, in this circumstance, for the other students of different private Medical Colleges which have not been de-recognized, if the students of B.R. Ambedkar Dental College (presently de-recognized) would be placed in Govt. Dental Colleges with lesser marks obtained by them in the NEET examination.

11. During the course of hearing, Mr. S.D. Sanjay, learned Additional Solicitor General appearing for the DCI submitted that it is for the State to take a decision with respect to the Colleges in which the respondents would be transferred. All that the DCI would care for is that the students / respondents, for not fault of theirs, be not left completely high and dry at this incipient stage of their



career building.

12. The learned Advocate General appearing for the appellants has submitted that for taking a fair approach towards the career of the students / respondents, an enquiry was made with respect to fee structure of private Dental Colleges *qua* the fee structure at B.R. Ambedkar College and it was found that all the recognized private Dental Colleges in the State of Bihar have lower fee structure than B.R. Ambedkar Dental College.

13. In that view of the matter, there would be no necessity of passing any order with respect to demanding lesser fee from the respondents. Nonetheless, the State is ready to refer the matter to Fee Fixation Committee, constituted by the State, which it shall do after the respondents take admission in colleges which is allocated to them.

14. The other apprehension of the respondents of their missing out on the internal examination, the State has assured that special examination would be held for such students who would be transferred to different medical



colleges from B.R. Ambedkar Dental College because of its de-recognition.

15. In the aforementioned circumstances, we modify the impugned judgment in all the appeals to the extent that the respondents shall be allocated respective seats in recognized private Dental Colleges in the State of Bihar, for which the list has already been prepared and the respondents have to exercise their option and in case no option is exercised, the allocation shall be made by draw of lots. There shall be no insistence for transferring the respondents to the Govt. Dental College at Patna.

16. We have also taken into account the fact that in almost all the writ petitions preferred by the respondents herein, a statement has been made that they be accommodated in any recognized Dental College within the State of Bihar.

17. Such adjustments of the respondents/students in other colleges be done expeditiously.

18. All the appeals stand disposed off accordingly with the modification in the impugned judgments.



19. Interlocutory Application/s, if any, in all the
appeals, stand disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

sunilkumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.05.2025
Transmission Date	

