

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.543 of 2025

In
Civil Writ Jurisdiction Case No.12122 of 2024

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1. The State of Bihar through the 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.

... .. Appellant/s

Versus

1. Akhilendra Kumar, S/o Shailendra Kumar, Resident of Village- Bahadurpur, P.S.- Mashrakh, District- Saran.
2. Khushboo Singh, D/o Man Singh, R/o Jagdeo Nagar, P.S.- Nawada, District- Bhojpur.
3. Monalisa, D/o Manoj Kumar Paswan, R/o Fatehpur, P.S.- Zero Mile Sabour, District- Bhagalpur.
4. Neha Kumari, D/o Niranjana Kumar Singh, R/o Dudhaila, P.S.- Maner, District- Patna.
5. Pratibha Kumari, D/o Subhash Kumar, R/o Chandi Prasad Lane, Kobi Badi, P.S.- Musaiadpur, District- Bhagalpur.
6. Raushan Kumar, S/o Prabhash Kumar Mandal, R/o Kharadi Tola Minapur, P.S.- Town Thana Hajipur, District- Vaishali.
7. Sofia Ara Ansari, D/o Tajuddin Ansari, Alba Colony, Near IIT, Behind A One Apartment, P.S.- Phulwarisharif, District- Patna.
8. Sumit Kumar, S/o Kamlesh Kumar, R/o Babhanpura, P.S.- Phulwarisharif, District- Patna.
9. Varsha Kumari, D/o Bhola Prasad Keshari, R/o High School Chowk, P.S.- Sabour, District- Bhagalpur.
10. The Union of India, through the Secretary, Ministry of Health and Family Welfare, Government of India, Nirman Bhawan, Maulana Azad Road, New Delhi, Delhi-110011.
11. The Secretary, Ministry of Health and Family Welfare, Government of India, Nirman Bhawan, Maulana Azad Road, New Delhi, Delhi- 110011.
12. The Dental Council of India through its President, National Dental



- Commission Building, Plot No.-14, Sector-9, R.K. Puram, New Delhi, Pin-110022.
13. The President, Dental Council of India, National Dental Commission Building, Plot No.-14, Sector-9, R.K. Puram, New Delhi, Pin-110022.
14. The Magadh University, through its Registrar, Bodh Gaya, Gaya, Bihar, Pin-824234.
15. The Vice Chancellor, the Magadh University through the Vice Chancellor, Bodh Gaya, Gaya, Bihar, Pin-824234.
16. The Registrar, Magadh University, Bodh Gaya, Gaya, Bihar, Pin-824234.
17. The Controller of Examinations, Magadh University, Bodh Gaya, Gaya, Bihar, Pin-824234.
18. The Dr. B.R. Ambedkar Institute of Dental Sciences and Hospital, through its Principal, Hari Om Nagar, New Bailey Road, Patna, Bihar, Pin-801503.

... .. Respondent/s

Appearance :

For the Appellant/s	:	P.K.Shahi, A.G. Ms.Anukriti Jaipuriyar, Advocate
For the Resp. Nos. 1-9	:	Mr. Patanjali Rishi, Advocate
For the UOI	:	Mr. Brajesh Kumar Pandey, CGC
For the DCI	:	Mr. S.D.Sanjay, Sr. Advocate Mr. Mohit Agrawal, Advocate Mr. Lokesh Kumar, Advocate
For the Magadh Uni.	:	Mr. Siddhartha Prasad, Advocate

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

Date: 12-05-2025

Though this case has been listed under the heading ‘For Orders on Office Notes’, but with the consent of the parties, the case is being disposed off on merits.

2. The writ petitioners/respondent Nos. 1 to 9 are students of final year in Dr. B.R.Ambedkar Institute of



Dental Sciences and Hospital, Patna, which now has been de-recognised by the Dental Council of India for not having followed the guidelines with regard to infrastructure and the academic faculties. However, on a request by the Government of India to the Dental Council of India, a decision was taken to accommodate the students of the de-recognised college to other recognised colleges, but not any Government college.

3. It appears that the learned Single Judge while deciding a cluster of petitions, directed the respondents to arrange for the admission of the students in Government Dental College, Patna, which decision was challenged in four of the Letters Patent Appeals, the lead appeal being LPA No. 449 of 2025. It would only be profitable to extract Paragraph Nos. 10 to 17 of the judgment for the purposes of disposal of this appeal. Paragraph Nos. 10 to 17 are as hereunder:

“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.”

4. This appeal also stands disposed off in terms of the direction given in LPA No. 449 of 2025.

5. The appellants/State shall take into account that the writ petitioners are students of final year, so



examination be taken separately so that they are not required to attend any further classes in any college in which they are accommodated.

6. Interlocutory application, if any, shall also stand closed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2025
Transmission Date	NA

