

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12083 of 2024

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.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, , Bihar.
2. The Additional Chief Secretary, Department of Health Government of Bihar, Patna.
3. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India.
4. The Secretary, Ministry of Health and Family Welfare, Government of India.
5. The Dental Council of India, New Delhi through its President.
6. The President, Dental Council of India, New Delhi
7. Magadh University through its Registrar, Bodh Gaya, Gaya.
8. The Registrar, Magadh University, Bodh Gaya, Gaya.
9. Dr. B.R. Ambedkar Institute of Dental Sciences and Hospital, Hari Om Nagar, New Bailey Road, Patna through its Principal

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Sr. Adv.
	:	Mr. Sumit Kumar Jha, Adv.
	:	Ms. Riya Giri, Adv.
For the State	:	Mr. Randhir Kumar, AC to SC18
For the M.U.	:	Mr. Siddhartha Prasad, Adv.
For the D.C.I.	:	Mr. S.D. Sanjay, Sr. Adv.
	:	Mr. Mohit Agrawal, Adv.
For the U.O.I.	:	Mr. Sarita Bajaj, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

12 18-03-2025 Heard learned senior counsel for the petitioners,

learned counsel for the State and learned counsel for the

respondents.

2. The present writ petition has been filed for seeking

following reliefs:

*(i) To issue a writ/order/ direction in the nature
of Mandamus for direction to the Respondent
Authorities to shift the petitioners forthwith from*



Dr. BR Ambedkar Institute of Dental Sciences and Hospital, Patna to any recognized Government/private institute having valid affiliation and recognition from Dental Council of India in the light of Letter dt.26.06.2024 issued under the signature of Deputy Secretary, Dental Council of India.

ii) To issue a writ/order/direction in the nature of Mandamus for direction to the respondent authorities to conduct special examination for the petitioners for their respective years so that the petitioners do not suffer year loss academically.

iii) To issue a writ/order/ direction in the nature of Mandamus for direction to the respondent authorities to pay monetary compensation to the petitioners for the mental and physical agony caused due to irresponsible and arbitrary conduct of the respondent authorities.

iv) To issue a writ/order/ direction in the nature of Mandamus for direction to the respondent authorities to swiftly /securely shift the original certificates and attendance records of all the petitioners to ensure that the same are not destroyed/lost in the shifting of the petitioners to another State recognized Government/Private Dental College.

v) To pass interim/ex-parte interim order directing the respondent authorities to take special examination for 2nd and 3rd year so that the petitioners do not suffer academic year loss.

vi) To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

3. The brief facts of the present case is that the petitioner nos. 1 to 8 appeared in National Eligibility cum Entrance Test (NEET) in the year 2021, petitioner no. 9



appeared in NEET in the year 2020 and the petitioner nos. 10 to 19 appeared in NEET in the year 2022. On the basis of their marks and ranks petitioners were called for counselling and they also participated in the counselling process conducted by the Bihar Combined Entrance Competitive Examination Board, Patna. Thereafter, the petitioners were allotted seated in Dr. B.R. Ambedkar Institute of Dental Sciences and Hospital, Patna. Petitioners got admitted and were pursuing their course, suddenly it came to the knowledge of the petitioners that the B.R. Ambedkar Institute of Dental Sciences and Hospital, Patna, had been unrecognized by the Dental Council of India. The petitioner nos.1 to 9 are the students of 3rd year and petitioner nos. 10 to 19 are students of 2nd year of Dr. B.R. Ambedkar Institute of Dental Sciences and Hospital, Patna. Thereafter, one of the letters i.e. a letter dated 07.03.2024 issued under the signature of Under Secretary, Government of India to the Secretary, Dental Council of India wherein the D.C.I was directed that consequent upon withdrawal of recognition of Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna, to take necessary action for shifting of the students already studying in Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna to another Dental College within the State,



within a period of six weeks of issuing this letter (Annexure-P/4 of the writ application).

4. Learned senior counsel for the petitioners submits that the Dental Commission of India vide its letter dated 26.06.2024 requested the State Government to take action to shift the students studying in the institution to another Dental College within the State of Bihar. However, till date the State Government has not taken any necessary step in pursuance of the same.

5. Learned counsel for the Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna, submits that Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna, has already filed a SLP (C) No. 30171 of 2024 before the Hon'ble Apex Court, for de-recognition of the said institute by the D.C.I. which is still pending.

6. Mr. S.D. Sanjay, Learned senior counsel for the D.C.I. joined the proceeding online and submitted that D.C.I. has no objection if the petitioners are shifted to another dental college, within the State of Bihar.

7. A supplementary counter affidavit has been filed on behalf of Respondent No.1 in which the counsel submits that the Principal of Patna Dental College and Hospital, Patna, and



Government Dental college, Paithana, Rahui, Nalanda have furnished required informations of their respective Dental Colleges in which the Principal of Patna Dental College and Hospital, Patna, vide his letter No.961 dated 09.10.2024 has shown vacancy position of BDS course in the following manner and the same has been annexed as Annexure-R/B of this supplementary counter affidavit and the same has been reproduced hereinbelow:

शैक्षणिक वर्ष	बी0डी0एस0 कोर्स में नामांकन हेतु कुल सीटों की संख्या	कुछ छात्र/छात्राओं द्वारा बी0डी0एस0 कोर्स का परिचय करने के पश्चात् वर्तमान में अध्ययनरत छात्र/छात्राओं की कुल संख्या	कुछ छात्र/छात्राओं द्वारा बी0डी0एस0 कोर्स का परिचय करने के पश्चात् बी0डी0एस0 कोर्स में कुल रिक्त सीटों की संख्या
बी0डी0एस0 कोर्स सत्र-2020-2021	40 (चालिस)	11 (ग्यारह)	29 (उनतीस)
बी0डी0एस0 कोर्स सत्र-2021-2022	40 (चालिस)	19 (उन्नीस)	21 (इक्कीस)
बी0डी0एस0 कोर्स सत्र-2022-2023	40 (चालिस)	21 (इक्कीस)	19 (उन्नीस)
बी0डी0एस0 कोर्स सत्र-2023-2024	40 (चालिस)	27 (सत्ताईस)	13 (तेरह)

8. Further, the Principal, Government Dental College, Paithana, Rahui, Nalanda vide his letter No.688 datd 09.10.2024 has shown vacancy position of BDS Course in the following manner and the same has been annexed as Annexure-R/C of this supplementary counter affidavit and the same has been reproduced hereinbelow:



Sl.No.	Session	Seat Allocation	Admission taken	Students left as on 09-10-24	Students studying as on 09-10-24	Students appearing for 1st year exam	Vacant Seat as on 09-10-24
01	02	03	04	05	06	07	08
01	Start Year 2023-24 (1st Year)	100	99	19	81	80	19

9. At Bar, The State Government has no objection to the petitioners being transferred to any Government Dental College situated within the State of Bihar, specifically to the Patna Dental College, Patna, provided that, in the event that the Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna succeeds in the aforesaid Special Leave Petition (SLP) filed before the Hon'ble Supreme Court, the petitioners who have been transferred to Patna Dental College, Patna, will subsequently be transferred back to their original institution, i.e., the Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna.

10. Having considered the submissions made by the Parties and on perusal of records, this Court deems it fit and proper to directs the State Government to take necessary steps to transfer Petitioners No. 1 to 9 to the 3rd Year, and Petitioners No. 10 to 19 to the 2nd Year to Patna Dental College, Patna, within a period of four weeks from the date of receipt/production of a copy of this order.

11. Dr. B.R. Ambedkar Institute of Dental Science and



Hospital, Patna, is hereby directed to issue the transfer certificates and necessary documents of the petitioners within ten days from the date of receipt/production of a copy of this order. The Principal of Patna Dental College, Patna, is also directed to accommodate the petitioners in their respective semesters/years and permit them to attend classes at Patna Dental College, Patna. The Magadh University is directed to issue transfer certificates and necessary documents of the petitioners to the concerned University and, further the concerned University is instructed to conduct special examinations for the petitioners in their respective semesters/years, if necessary.

12. It is made clear that the aforesaid decision is subject to the final outcome of SLP (C) No. 3071 of 2024, wherein if the dispute in question is settled in favour of Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna, the petitioners who have been transferred to Patna Dental College, Patna, pursuant to this order, shall be transferred back to their original institution, i.e., Dr. B.R. Ambedkar Institute of Dental Science and Hospital, Patna.

13. With the aforesaid direction, the present writ



application stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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