

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13112 OF 2025

Ashish Shyamkumar Nair
Age: 27 years, Occ: Student
Residing at Flat No. B-201,
Mahavir Dham Co-operative Housing
Society, Plot Nos. 27 and 28, Sector 40,
Seawood, Nerul (West), Navi Mumbai ... Petitioner

Versus

1. The President,
Dental Council of India,
AIWAN, Galib Marg, Kotla Road,
Temple Lane, Gurgaon – 110 002
New Delhi
2. The Secretary,
Dental Council of India,
AIWAN, Galib Marg, Kotla Road,
Temple Lane, Gurgaon – 110 002,
New Delhi
Email: secretary@dciiindia.org
3. Retired Gen. Madhuri Kanitkar,
Vice Chancellor,
Maharashtra University of Health Science,
Mhasrul, Vani Dindori Road,
Nashik – 422 004
4. Professor Dr. Milind Nikumbh
Pro Vice- Chancellor,
Maharashtra University of Health Science,
Nashik.
5. Dr. Rajendra Bangal,
The Registrar, Maharashtra University of
Health Science, Nashik
6. The Controller of Examination,
Maharashtra University of Health Science,
Nashik.

7. The Dean,
Y.M.T. Dental College and Hospital,
Sector -4, Kharghar, Navi Mumbai – 410201
Maharashtra
8. The Principal,
Y.M.T.Dental College and Hospital,
Sector -4, Kharghar, Navi Mumbai -410201
Maharashtra
9. The State of Maharashtra,
(Through the Office of Learned Government
Pleader of Bombay High Court), Bombay ... Respondents

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Mr.Pandit Kasar for the Petitioner (through VC).
Mr.O.A.Chandurkar, Addl.GP with Ms.Nisha Mehra, AGP for Respondent
No.9, State.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : OCTOBER 14, 2025

ORAL JUDGMENT (*Per : Ravindra V. Ghuge, J.*)

1. Rule. Rule made returnable forthwith and heard finally with
the consent of the parties.

2. The Petitioner has raised grounds in paragraph Nos. 17(c) to
17(e), as under:

*“c) The Bachelor of Dental Surgery Course is for
total period of nine academic years in which any
student securing admission to Bachelor of Dental*

Surgery Course can attempt 16 semester examination. The record of the Y.M.T. Dental College and Hospital, Kharghar, Navi Mumbai itself shows that the Petitioner has appeared for only 13 semesters examination and hence even though the period of nine academic years has completed on ground of circumstances and difficulties, still the Petitioner has not attempted for all 16 semesters examination. Hence, the Petitioner is attending entire balance three semester examination for completing his course.

d) If the Petitioner will not allow the attend balance three semester examination the entire career of the Petitioner will be jeopardized as the Petitioner would not get degree and qualification for non passing the examination.

e) Under the Constitution of India, every student has right to education inspite of there being right to education. In the present case the right to mandates needs to be exercise in favour of the Petitioner thereby directing the necessary direction to the Respondents for allowing the Petitioner to appear for the examination.”

3. The Petitioner has pleaded in the Petition that he failed in some semesters because a close relative in his family was ailing. As a consequence, he appeared for only thirteen semesters over a total period of nine years in his Bachelor of Dental Surgery course. Under ground 17(a), he has taken the plea that, because he could not pay the college fees, he did not appear for some of the semesters.

4. There is no dispute that the Petitioner took admission to the BDS course in the academic year 2016-2017. After completing nine years by 2024-2025, he has passed only thirteen semesters, and three semesters are yet to be cleared. It is his contention that because he skipped some exams, those years should be excluded when calculating the total nine year period.

5. We are unable to be persuaded by such a submission. For example, if a student admitted in the academic year 2001-2002, takes various semester exams intermittently and, in 2015 or 2020, submits that because he skipped some exams in certain academic years, the total nine-year period should be calculated only based on the years in which he actually appeared for exams, it would render the Dental Council of India Regulations, 2007, otiose.

6. What has been prescribed under the Regulations is that "Any student, who does not clear the BDS course in all subjects within a period of nine years, including one-year compulsory Rotatory paid internship from the date of admission shall be discharged from the course". This issue fell for consideration in the matter of ***Neha Chandrakishor Kamble and Another vs. Union of India and Others***¹ where this Court recorded the

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following in paragraphs 1 to 10, as under:

“1. Both these petitioners were admitted to the Bachelor of Dental Surgery Professional Course in 2016-2017. Both could not complete their 4 years BDS course in 8 years and the Compulsory Rotatory paid Internship of 1 year, in 9 years. The Circular No. 90/2018 issued by the Maharashtra University of Health Sciences, Nashik is based on an order of the High Court dated 6-3-2018, delivered in Writ Petition Nos. 13510, 13559, 13607, 11740 and 13509/2017.

2. The Dental Council of India Regulations, 2007 dated 27-4-2015, mandate that "Any student, who does not clear the BDS course in all subjects within a period of Nine years, including one-year compulsory Rotatory paid internship from the date of admission shall be discharged from the Course".

3. The Circular No. 90/2018 prescribes, by way of an exception, that students admitted in the BDS Course for the Academic year 2008-2009 to 2014-2015, having not cleared their first year within three years from the date of admission and the students who have been admitted from the Academic year 2015-2016 and onwards, should pass the BDS Course University examination as per the details set out in the said notification. The petitioners fall in Serial No. 9. They were admitted in 2016-2017. They ought to have completed their four years course by Winter-2024 and the one year Rotatory Internship Training Program by Winter-2025, after passing the final year in Winter-2024.

4. Subsequent to the above, in the same notification, it is recorded by the University that it noticed that some students were filing exam forms who had already completed their duration of Nine years and their exam forms were processed, albeit, inadvertently, before commencement of Winter-

2018 University Exam. Hence, these students were allowed to appear for the said exam as a last opportunity and as a one time measure only. Apparently this was done since a mistake was committed by the University of accepting and processing their examination forms.

5. The learned advocate for the petitioner draws our attention to prayer Clause 'B' which reads as under:

"B) The Hon'ble High Court may be pleased to issue writ, order or direction in the nature of writ of Mandamus or any other appropriate order in the nature of writ and quash and set aside Regulations restricting the duration of the BDS Course to 9 years on the ground of illegality, arbitrariness and violation of Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to read down the rules for the purpose of grant of exemptions from its applicability on health grounds and on other sufficient grounds and to allow the petitioners to complete the BDS Course and issue appropriate orders for the said purpose."

6. Insofar as the pleadings in support of the prayer Clause 'B', we find that the petitioners have averred that they will suffer mental trauma and they discussed the issue with their parents and advocates with regard to filing of this Writ Petition. It is further contended that the Central Council for Indian Medicine for BAMS Course, the Central Council for Homeopathy for BHMS Courses, BUMS and other authorities governed and supervised by the Ministry of AYUSH, recommend different periods for different Courses. The twin test of intelligible differentia and rational nexus with the object sought to be achieved, required that the notification of the

Dental Council of India Regulations, to the extent of limiting the number of years for attempting to pass the BDS exam, deserves to be quashed.

7. The Apex Court in the matter of Shri Ram Krishna Dalmia vs. Shri Justice S. R. Tendolkar and others, AIR 1958 SC 538, in Paragraph No. 11, has held as under:

11..... It is now well established that while article 14 forbids class legislation, it does not forbid reasonable classification for the purposes of legislation. In order, however, to pass the test of permissible classification two conditions must be fulfilled, namely, (1) that the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and (ii) that differentia must have a rational relation to the object sought to be achieved by the statute in question. The classification may be founded on different bases, namely, geographical, or according to objects or occupations or the like. What is necessary is that there must be a nexus between the basis of classification and the object of the Act under consideration. It is also well established by the decisions of this Court that Article 14 condemns discrimination not only by a substantive law but by a law of procedure.

The principle enunciated above has been consistently adopted and applied in subsequent cases. The decisions of this Court further establish-

(a) that a law may be constitutional even though it relates to a single individuals if, on

account of some special circumstances or reasons applicable to him and not applicable to others, that single individual may be treated as a class by himself;

(b) that there is always a presumption in favour of the constitutionality of an enactment and the burden is upon him who attacks it to show that there has been a clear transgression of the constitutional principles;

(c) that it must be presumed that the Legislature understands and correctly appreciates the need of its own people, that its laws are directed to problems made manifest by experience and that its discriminations are based on adequate grounds;

(d) that the legislature is free to recognise degrees of harm and may confine its restrictions to those cases where the need is deemed to be the clearest;

(e) that in order to sustain the presumption of constitutionality the Court may take into consideration matters of common knowledge, matters of common report, the history of the times and may assume every state of facts which can be conceived existing at the time of legislation; and

(f) that while good faith and knowledge of the existing conditions on the part of a Legislature are to be presumed, if there is nothing on the face of the law or the surrounding circumstances brought to the notice of the Court on which the classification may reasonably be regarded as based, the presumption of constitutionality

cannot be carried to the extent of always holding that there must be some undisclosed and unknown reasons for subjecting certain individuals or corporations to hostile or discriminating legislation.

The above principles will have to be constantly borne in mind by the Court when it is called upon, to adjudge the constitutionality of any particular law attacked as discriminatory and violative of the equal protection of the laws."

8. We find that there is hardly any justification in support of the averment or contention of the petitioners that the regulation. It is very much obvious that there is no material which could satisfy the test of arbitrariness. Nodal bodies consist of wise members have trained minds and expertise in their subjects. They are competent to take policy decisions. The various time limits/durations prescribed for courses ranging from 1 year to 3-4 years, etc. are designed by experts. If the Nodal bodies have decided that Nine years period would be sufficient for passing the Four years BDS course with one year of Rotatory Internship Training Program, we do not find that the said provision could be arbitrary by comparing it with other Medical Courses, for example the MBBS course wherein one year comprises of one and half years (3 semesters) and a total of four years of such Courses (9 semesters), to be followed by a compulsory one year internship period.

9. We have also perused an order passed by this Court at Nagpur dated 21-6-2024, in Writ Petition No. 3703/2024, Ku. Aayesh d/o Naim Jamai vs. Maharashtra University of Health Sciences, Nashik and ors., 2024 MhLJ Online 112. The Court did not find fault with the Circular No. 90/2018 and the Rules applicable

and the Petition was dismissed.

10. Having considered the principles enunciated in Shri Ram Krishna Dalmia vs. Shri Justice S. R. Tendolkar and others (supra), we do not find that the petitioners have made out any case of arbitrariness which would violate Articles 14, 21 or 300-A (as contended by the petitioners).”

7. The Nagpur Bench of this Court also dealt with a similar challenge in which Circular No. 90 of 2018 and the Rules were questioned. It was concluded that the BDS course has to be completed within eight years, with one year is dedicated to the compulsory rotatory paid internship. If the ground that the Petitioner could not pay fees in some years and, therefore, took a gap during those years is accepted, the prescription of the Dental Council of India Regulations, 2007 would virtually be rendered nugatory. There is no arbitrariness in the framing of such regulations, which was considered by this Court in *Neha Chandrakishor Kamble (supra)* and by the Nagpur Bench in *Ku. Aayesh d'o Naim Jamai (supra)*.

8. Considering the above, we do not find it appropriate to entertain this Petition by issuing a Writ of Mandamus to the Dental Council of India.

9. **This Petition**, being devoid of merit, **is accordingly dismissed.**

10. Rule stands discharged.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)