



W.P. No.4749 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

**W.P.No.4749 of 2024**

Dr.F.Jerlin Margret

.... Petitioner

Vs.

- 1.Union of India,  
represented by its Secretary,  
Health & Family Welfare,  
Nirman Bhavan,  
New Delhi.
- 2.Dental Council of India  
represented by its Secretary  
Aiwan-E-Ghilab Marg,  
Kotla Road, New Delhi.
- 3.Tamil Nadu Dr.MGR Medical University  
represented by its Registrar,  
69, Anna Salai,  
Guindy, Chennai.
- 4.M/s.Rajas Dental College & Hospital,  
represented by its Chairman,  
Kavalkinaru Junction,  
Tirunalveli District.



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5. Tamil Nadu Dental Council  
No.216, Arihant Majestic Towers,  
J.N.Salai, Koyembedu,  
Chennai.

.... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus to direct the 5<sup>th</sup> respondent to issue a Certificate of Registration as a Dentist under the Dentists Act, 1948 within a stipulated period of time.

|                |                                               |
|----------------|-----------------------------------------------|
| For Petitioner | : Mr.S.Shashank and K.Nivetha                 |
| For R1         | : Mr.K.S.Jeyaganeshan<br>Senior Panel Counsel |
| For R2         | : Mr.Subramanian Vaidyanathan                 |
| For R3         | : Mr.G.Arumugam<br>Standing Counsel           |
| For R4         | : Mr.D.Prabhu Mukunth<br>Arunkumar            |
| For R5         | : No appearance                               |

### **ORDER**

The petitioner seeks for issuance of Writ of Mandamus to direct the 5<sup>th</sup> respondent to issue a Certificate of Registration as a Dentist under the Dentists Act, 1948 within a stipulated period of time.



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2. The learned counsel for the petitioner would submit that the petitioner had finished her BDS and got registered with Tamil Nadu Dental Council in the month of June 2016. Subsequently, in order to pursue her post graduation, she participated in NEET-MDS in the month of March 2017, and successfully qualified in the examination held and got all India rank of 4535.

3. The learned counsel would further submit that the petitioner has got admission for MDS in Rajas Dental College who is the 4<sup>th</sup> respondent herein. The learned counsel would further submit that though the 4<sup>th</sup> respondent had filed a writ petition in W.P.No.24082 of 2021, which was ultimately dismissed on 28.07.2023, since that writ petition relates to the 2021-2022 batch, the same has no bearing in the instant writ petition. It is further submitted that at the time of petitioner's admission, the 4<sup>th</sup> respondent college was recognized by Dental Council of India (DCI) and was also approved by the Government. However, inspite of obtaining valid degree from the 4<sup>th</sup> respondent college, the 5<sup>th</sup> respondent is not registering the petitioner under their roll, so as to practice the profession.



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4. Per contra, the above said contention was totally objected by the learned Senior Panel Counsel for the first respondent. The Senior Panel counsel would contend that the recognition of the 4<sup>th</sup> respondent college was only provisional and that, time and again they have raised queries with regard to the 4<sup>th</sup> respondent violation. It is the further submission of the learned Senior Panel counsel that, according to the relevant rules, the college must have 100 bedded Hospital or if such college is using any other Hospital, it must be within 10 kms distance by road, whereas in the case on hand, the 4<sup>th</sup> respondent college which use the Boothapandi Government General Hospital, situated at the distance of 16 kms. Therefore, when they violate the very fundamental rules of having 100 bedded Hospital, the provisional recognition which had been given, cannot enure any benefit either to the students or to 4<sup>th</sup> respondent. Therefore, contented that the prayer sought for by the petitioner may not be granted.

5. The above contention of the Senior Panel counsel for the 1<sup>st</sup> respondent was reiterated by the learned standing counsel appearing for the 2<sup>nd</sup> respondent.



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7. I have given my anxious consideration on either side submissions.

8. No doubt, the recognition of the 4<sup>th</sup> respondent college was put to challenge vide writ petition in W.P.No.24082 of 2021. But the above challenge is relate to academic year 2021-2022, and the issue dealt in the above writ petition is whether the 4<sup>th</sup> respondent college has complied the pre-condition imposed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents for the academic year 2021-2022. To put it in other words, whether the Hospital which is attached to the 4<sup>th</sup> respondent college situates within 10 km from the college.

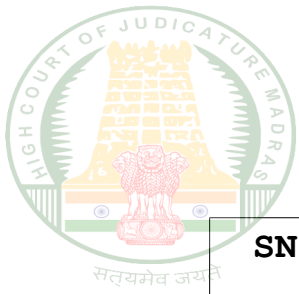


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9. When the 4<sup>th</sup> respondent college dispute such stipulation, this

WEB COURT vide order dated 28.07.2023, has held that the conditions stipulated by the 1<sup>st</sup> and 2<sup>nd</sup> respondent is valid, and unless the 4<sup>th</sup> respondent college satisfies the condition the question of admitting the student for the academic year 2021-2022 does not arise and ultimately dismissed the writ petition filed by the 4<sup>th</sup> respondent college.

10. Therefore, it is amply clear that there was a dispute in respect of the admission of the student for the academic year 2021-2022. But at the same time admittedly there are no documents available before this Court so as to dispute the previous year admission. It is not in serious dispute that the 1<sup>st</sup> batch of the MDS was started in the 4<sup>th</sup> respondent college in the academic year 2017-2018, and the 1<sup>st</sup> respondent vide letter dated 25.02.2020 in No. V.12017/13/2019-DE has addressed the letter to the Principal of the 4<sup>th</sup> respondent College, permitting them to admit the students for the 4<sup>th</sup> batch MDS in the following course for the academic year 2020-2021



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| SN | Speciality                             | Seats for which renewal sought for |
|----|----------------------------------------|------------------------------------|
| 1  | Orthodontics & Dentofacial Orthopedics | 2                                  |
| 2  | Oral Medicine & Radiology              | 1                                  |
| 3  | Periodontology                         | 2                                  |
| 4  | Oral Pathology & Microbiology          | 2                                  |
| 5  | Prosthodontics and Crown & Bridge      | 2 to 3                             |
| 6  | Conservative Dentistry and Endodontics | 2 to 3                             |

11. It is also pertinent to mention here that this Court vide order dated 23.06.2023 in W.P.No.10512 of 2023 has granted the similar relief for the students those who have enrolled in the previous academic year 2017-2018 and for the academic year 2019-2020.

12. It is pertinent to mention here that though the petitioner has referred in the present writ petition that she has joined in the course of BDS in the year 2010 it was disputed by the 1<sup>st</sup> respondent by saying that she joined in the academic year June 2016. At this juncture this Court would like to refer that it is expected from the petitioner to come up with clear and correct facts whenever sworn the affidavit.



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13. Coming back to the issue, it is also not in dispute that upto 2020-2021, there was a provisional recognition. However the learned senior panel counsel would contend that the provisional recognition will in no way give any benefit either to the college or to the student unless the 4<sup>th</sup> respondent comply with the condition of having attached hospital within 10 km distance, or having 100 bedded hospital within the college premises.

14. Though, the learned Senior Panel counsel contended that when the provisional recognition is based upon a condition, and when such condition has not been complied with, the question of admitting the petitioner in the 5<sup>th</sup> respondent council is illegal. But this Court respectfully disagrees with the submission of the learned Senior Panel counsel, as the 4<sup>th</sup> respondent college was having a recognition to admit the students upto 2020-2021, though according to the 1<sup>st</sup> respondent it is a provisional recognition. When the students were permitted to join and study the course, that too as per the NEET allotment, the question of reverting such provisional selected candidates, who burned their midnight oil for several years after spending huge money and energy,



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would nothing but illegal, unconscionable and unjustifiable.

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15. Though the learned Senior Panel counsel would rely upon the letter dated 02.08.2021 which is impugned in the other writ petition in W.P.No.24082 of 2021, on a harmonious reading of the above letter, it is clear that the letter only refers about the admission with regard to the academic year 2021-2022. In all the correspondence relied on by the 1<sup>st</sup> respondent, this Court could not find any letter or correspondence, so as to dispute the recognition of the 4<sup>th</sup> respondent college upto the academic year 2020-2021.

16. Though the senior panel counsel would contend that it is only a provisional recognition, this Court is at a loss to understand the difference between provisional recognition and permanent recognition in the context of the above facts in issue. Having given a recognition to the 4<sup>th</sup> respondent college provisionally, the denial of registration of the degree certificate of their student by the 5<sup>th</sup> respondent based upon the subsequent de-recognition would only makes the life of the student become miserable and against the principle of legitimate expectations.



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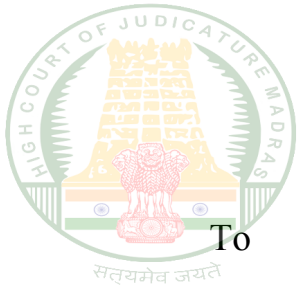
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17. Therefore, this Court is of the firm view that the defence of the 1<sup>st</sup> respondent that provisional recognition will not give any benefit to the student as well as the 4<sup>th</sup> respondent college is illegal and without any rationale. Therefore, this Court is of the firm view that the prayer sought for by the petitioner, who had studied the course in the 4<sup>th</sup> respondent college upto the academic year 2020 has to be recognized by the 5<sup>th</sup> respondent and the petitioner studied during the academic year 2017-2020, during which period the 4<sup>th</sup> respondent college had recognition and permission to admit the students. Accordingly the 5<sup>th</sup> respondent has to register the name of the petitioner in their roll.

18. In the result, the writ petition is allowed directing the 5<sup>th</sup> respondent to issue a certificate of registration to the petitioner as a Dentist under the Dentist Act 1948, within a period of six weeks from the date of receipt of a copy of this order. No costs.

**19.08.2025**

Index : Yes/No  
Neutral citation : Yes/No  
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To

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**C.KUMARAPPAN,J.**

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