



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.No.5424 of 2022

and

W.M.P.Nos.5517 to 5519 of 2022

Sri Venkateswara Dental College and Hospital,
Off OMR Near Navalur,
Thalambur, Chennai - 600 130.
Represented by its Principal.

Petitioner

Vs

1. The Dental Council of India,
Represented by its Secretary,
Aiwan-E-Ghalib Marg, Kotla Road,
New Delhi - 110 002

2. The Additional Director of Medical Education/Secretary,
Selection Committee,
Directorate of Medical Education,
Chennai.

3. The Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
No.69, Anna Salai, Guindy,
Chennai - 600 032.

Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in its letter in Ref.No.993/ SCSI(1)/2021 dated 04.01.2022, quash the same and consequently direct the 2nd Respondent to issue the provisional allotment order to the three students viz. (i) Tamilvendan P, (ii) Zenobia Homyar and (iii) Swathika K admitted in the BDS course in the Petitioner Institution during the Academic Year 2020-21 so as to enable them to pursue the BDS course.

For Petitioner : Mr.Abishek Jenasenan

For Respondents : Mr.S.Haja Mohideen Gisthi,
for R1.
Mrs.M.Sneha,
for R2
Mr.A.Mohamed Gouse,
for R3.

ORDER

This writ petition is filed challenging the order passed by the second respondent dated 04.01.2022 and consequently, direct the second respondent to issue provisional allotment order to the three students viz. (i) P.Tamilvendan (ii) Zenobia Homyar and (iii) K.Swathika admitted in the BDS course in the Petitioner Institution during the Academic Year 2020-21 so as to enable them to pursue the BDS course.

2. During the Academic Year 2020-2021, large number of seats in the BDS course offered by various Institutions across the country fell vacant for want of eligible students who were willing to take admission. As a result, the



first respondent DCI, in exercise of its powers under the Regulations, recommended to the Government of India that the qualifying mark for admission into the BDS course may be lowered. However, the Government of India refused to accept the same. Various persons approached the Hon'ble Supreme Court questioning the decision of the Government of India and vide order dated 08.02.2021 issued in W.P.(C).No.54 of 2021, the Hon'ble Supreme Court directed that the vacant seats in the BDS course shall be filled up from the candidates who have participated in NEET after lowering the percentile mark by 10 percentile and to complete the admission process by 18.02.2021. Immediately upon issuance of the order, the first respondent DCI addressed a letter dated 10.02.2021 to all the dental colleges bringing to their attention the order passed by the Hon'ble Supreme Court and directing the colleges to upload the details of students admitted in the BDS course on or before 18.02.2021. Therefore, the petitioner, opted to admit 3 students, who were found fully eligible for admission into the BDS course, though the said 3 candidates failed, after applying the decision issued by the Honble Supreme Court of India i.e. by Lowering 10% eligible mark. After their admission, the petitioner uploaded the list of admitted candidates onto the portal maintained by the first respondent on 18.02.2021. The first respondent found that three candidates were admitted without any application and counselling process. Therefore, the third respondent issued a letter dated 11.06.2021 stating that three candidates were not found in the list forwarded by the second respondent and the petitioner was directed to clarify the status of these candidates. That apart, the second respondent also



issued letter dated 07.06.2021 stating that the above mentioned three candidates have been admitted, whose names did not find place in the merit list, and directed the petitioner to discharge the candidates. Thereafter, the petitioner submitted a detailed explanation stating that the candidates were admitted and requesting that the admission of these candidates may be ratified as a one-time measure considering Covid – 19 pandemic period. On receipt of the same, the second respondent rejected the request made by the petitioner and not issued any provisional allotment order for the candidates, who were admitted by the petitioner into the BDS course.

3. The learned counsel for the petitioner submitted that admittedly more than 200 seats are wasted every year and by the subsequent orders, the same were directed to be filled, which fact, the three candidates were not aware of. He further submitted that since the BDS course seats are kept vacant, the petitioner has to admit them.

4. The learned counsel for the respondents submitted that, as already stated vide the communication of second respondent dated 07.06.2021, the names of the three students did not find place in the merit list and therefore, they were directed to be discharged from their candidature. However, the petitioner allowed those candidates continue their course. Thereafter, the petitioner submitted a representation to issue provisional allotment order to them. It was rejected. Hence the present writ petition.



5. The Hon'ble Supreme Court in the case of ***Dar-us-Slam Educational Trust and others V. Medical Council of India and others in W.P.(C).No.267 of 2017 dated 09.05.2017*** and the relevant paragraphs are extracted hereunder:-

"2. Common Counselling for State Quota seats in Government as well as Private Medical Colleges including Colleges/Institutions run by religious and linguistic minorities affiliated to State Universities shall be conducted by the State Government or the authority designated by the State Government. The notification issued by the State Government intimating the students about the Common Counselling must specify that at the time of counselling the students belonging to minority community will be required to furnish the necessary proof regarding their minority status and submit in writing about their willingness to take admission in the concerned minority college/institution.

7. In order to ascertain the number of seats that still remain vacant after the counselling the State Government or the authority designated by the State Government shall conduct manual counselling for allotment of students. After the completion counselling, the State Government shall determine the number of seats that are still vacant and thereafter shall forward a list of students in order of merit, equalling to ten times the number of vacant seats to the medical college so that in case of any stray vacancy arising in any college the said seat may be filled up from the said list."

6. Thus, the State Government shall determine the provisional status of the seats that are still vacant and thereafter, issue a list of students in order of merit, so that in case of any vacancies in any college, that may be filled up from the said list. Therefore, now it is not at all possible to issue provisional order for



the students who have not applied to the said college. As such, the request made by the petitioner was rightly rejected by the second respondent and the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08-09-2025

kmm

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Secretary,
The Dental Council of India,
Aiwan-E-Ghalib Marg, Kotla Road,
New Delhi - 110 002

2. The Additional Director of Medical Education/Secretary,
Selection Committee,
Directorate of Medical Education,
Chennai.

3. The Registrar,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai - 600 032.



WEB COPY



G.K.ILANTHIRAIYAN J.

kmm

W.P.No.5424 of 2022

08.09.2025