



CWP-12466-2024 :1:

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-12466-2024
Date of decision : 07.02.2025**

ASHISH ARORA

..... Petitioner

VERSUS

DENTAL COUNCIL OF INDIA AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Ms. Shaveta Sanghi, Advocate
for the petitioner (through VC).

Mr. Manpreet Singh Longia, Advocate
for respondent No.1.

Mr. Naman Jain, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that even after completing 9 years in the Bachelor of Dental Surgery (BDS) course, the petitioner is yet to clear his 4th year examinations, which he envisages to be declared passed hence, it is the prayer of the petitioner that he be given an extra chance to clear the said examination keeping in view the facts and circumstances of the present case.

2. Learned counsel for the petitioner submits that the petitioner got admission in the BDS course of the respondent-University in the year 2015.

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The said course is governed by the BDS Course Regulations, 2007, according to which rules the said course is to be completed within a period of 9 years from the grant of admission but, keeping in view various hardships and family circumstances such as financial crunch, the death of the father of the petitioner, he could not clear all of the required examinations that need to be passed so that he could be granted the degree in Bachelor of Dental Surgery. The prayer of the petitioner is that another chance be given to him to clear the remaining unpassed examinations so that 9 years spent by the petitioner in pursuing the academic qualifications do not go in vain.

3. Upon notice of motion, the respondents have filed the reply that the BDS course regulations with regard to the total number of years that could be taken by a person to pass the BDS course were amended on 27.04.2015 by way of 7th amendment which is prior to the date when the petitioner was granted the admission in the BDS course and as per the said amended regulations, any student who does not clear the BDS course in all subjects within a period of 09 years starting from the date of admission, which also includes one year Compulsory Rotatory paid internship, shall be discharged from the course and therefore, in the present scenario the petitioner even on completion of the period of 9 years has failed to clear the required examinations and therefore as there is no provision for relaxation in the said regulation, no further chance can be given to the petitioner to clear the BDS course.

4. Learned counsel for the respondents further submits that the

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said issue subsisting in the present case has already been decided by the Division Bench while passing order in **CWP-16758-2024 titled Jasleen Kaur Vs. State of Punjab and others decided on 22.07.2024**, wherein, it has been held that any candidate who does not clear the BDS course within a period of 09 years, cannot be granted any benefit.

5. In another case being **LPA-1895-2024 decided on 12.08.2024 titled 'Trisha Gupta Vs. Pt. B. D. Sharma University of Health Sciences, Rohtak and others'** the candidate concerned Trisha Gupta was also in a similar situation as that of petitioner in all respects concerned; the candidate concerned Trisha Gupta was granted admission in the year 2015 and she also could not clear all the examinations as a result to which, her admission stood cancelled which cancellation of the admission was upheld by the Division Bench.

6. Learned counsel for the petitioner has not been able to rebut the said fact also.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The argument of learned counsel for the petitioner is that due to certain family circumstances, it became impossible for the petitioner to clear the examinations within the stipulated time frame and therefore, as a mercy chance, petitioner be given one more chance to appear once in the remaining examination so as to clear the same to get the degree of Bachelor of Dental Surgery.

9. The question which arise for determination and needs

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adjudication upon in the present petition is whether, any time extra, other than the one mentioned in regulations BDS course (7th amendment) Regulations, 2015 dated 27.04.2015 can be granted to a candidate or not. It is a conceded position that no such power exists which could result in relaxation of said provision with the authorities concerned.

10. In the Court's opinion the prayer of the petitioner to grant him another chance to appear for examination cannot be accepted especially when the same is contrary to the BDS Course Regulation, 2007 governing over the BDS degree which are uniformly applicable upon all the candidates.

11. Once, a candidate has already availed 9 years' time stipulated in the rules to clear the examinations so as to get the BDS degree but still, he/she has failed to clear all the papers, the rules bar granting that candidate another chance. Rather as per the rules, when the stipulated period of 09 years comes to an end, the admission itself stands discharged from the course which results into the candidate to not being treated as a candidate any further beyond that period of 09 years which period begins from the initial date of admission so as to clear the examination which have not been cleared by the said candidate.

12. The regulation governing over the BDS course is not under challenge, therefore, granting the prayer will be tantamount to relaxing of the provision, which is not within the jurisdiction of the Court especially when, the Division Bench while passing order in **Jasleen Kaur (supra)**, held such, although, the said candidate was given opportunity to challenge the regulations.

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13. In the present case, keeping in view the above, no ground is made out for granting the relief as has been claimed in the present petition hence, the same is dismissed.

14. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

07.02.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No