



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 18.02.2026

Judgment pronounced on : 13.03.2026

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THE HON'BLE MR. JUSTICE P.B.BALAJI

W.M.P.No.5480 of 2026
in Rev.Aplw.SR.No.20155 of 2026
in W.P.No.37762 of 2025

The Directorate of General of Health Services,
(Medical Counselling Committee),
Nirman Bhavan, Government of India,
New Delhi.

.. Petitioner

Vs.

1.Ragas Dental College & Hospital,
Represented by its Secretary,
2/10, East Coast Road, Uthandi,
Chennai – 600 119.

2.The Ministry of Health and Family Welfare,
Represented by its Secretary,
(Dental Education Society),
Government of India, Nirman Bhavan,
New Delhi.

3.The Dental Council of India,
Represented by its Secretary,
Having its office at
National Dental Commission Building,
Plot No.14, Near Sangam Cinema,
Sector – 9, R.K.Puram,
New Delhi – 110 022.

.. Respondents



Prayer: Writ Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 92 days in filing the instant review application against the order dated 03.10.2025 passed in W.P.No.37762 of 2025 on the file of this Court.

For Petitioner : Mr.Subramanian Vaidyanathan
For Respondents : Mr.Subramanian Vaidyanathan for R3

ORDER

This Writ Miscellaneous Petition has been filed, seeking condonation of delay of 92 days in preferring the review, seeking to recall and review the order passed in W.P.No.37762 of 2025 dated 03.10.2025.

2.I have heard Mr.Subramanian Vaidyanathan, learned counsel for the petitioner/review applicant and Mr.P.Muthusamy, learned counsel for the 1st respondent writ petitioner.

3.The learned counsel for the petitioner would mainly contend that though an application has been filed, seeking condonation of delay of 92 days in filing the review, the delay would not even arise for the reason that the order in the writ petition came to be passed, without even notice being ordered to the petitioner and further, if the relevant dates are taken into consideration, the delay would only be 11 days. He would therefore pray for the delay being condoned.



4.Per contra, Mr.P.Muthusamy, learned counsel for the 1st respondent/writ petitioner would state that the petitioner has not shown sufficient cause. Inviting my attention to the notice issued by the writ petitioner through counsel, the learned counsel would state that the said notice was served on the petitioner even on 09.10.2025, even thereafter, the petitioner has been callous and did not take any steps to comply with the orders passed by this Court in the writ petition. He would further state that only after filing of the contempt petition, the review application has been filed with inordinate delay. He would also contend that the petitioner has also filed a writ appeal, along with the delay and the delay is yet to be condoned by the Hon'ble Division Bench.

5.In such circumstances, Mr.P.Muthusamy, learned counsel for the 1st respondent/writ petitioner would state that the petitioner is not entitled to the discretionary order of condonation of delay. He would also rely on the decisions of the Hon'ble Supreme Court in *S.Murali Sundaram Vs. Jothibai Kannan and others*, reported in *CDJ 2023 SC 152*, where the Hon'ble Supreme Court has held that the High Court cannot consider a review, as if it was an appeal and such a procedure was wholly impermissible and an erroneous order can only be subjected to an appeal before the higher forum and not be subject matter of review under Order 47 of CPC.



6.I have carefully considered the submissions advanced by the learned counsel on either side.

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7.It is not in dispute that by order dated 03.10.2025, the writ petition was disposed of, with a direction to the 1st respondent to release a fresh schedule for counseling for admission of MDS course, in order to fill up vacancies under the Government quota. Time line of four weeks was also fixed for the reschedule process to be complied and thereafter, the counselling to be concluded by end of November 2025. However, as rightly pointed by the learned counsel for the petitioner, the 1st respondent against, whom the direction was issued was not even put on notice, on the date on which, I ordered the writ petition. Notice was taken by the Special Government Pleader, who appeared only for the respondents 4 and 5.

8.Taking note of the no objection expressed by the Special Government Pleader, I proceeded to pass the order, based on the decision of the Hon'ble Supreme Court in *Era Lucknow Medical College and Hospital Vs. State of Uttar Pradesh and others*, reported in 2024 SCC Online SC 388, and also the Rajasthan High Court in *Federation of Private Medical and Dental College of Rajasthan, through its Authorised Signatory, Puneet Makhjia Vs. Chairman, Neet PG Medical and Dental Admission/Counselling Board – 2025 and others*, in S.B.Civil W.P.No.17900 of 2025, where it has been held that time for counselling can be extended in order to fill up vacancies.



9. Therefore, when the petitioner was not heard when the order was passed by me, the question of delay cannot be actually put against the petitioner. Even otherwise the writ petitioner claims to have served notice of the order passed by me in the writ petition on the petitioner on 09.10.2025. An affidavit of service has also been filed in this regard. It is however pointed out by the learned counsel for the petitioner that on the said date, the petitioner had already shifted from Nirman Bhawan to Kartavya Bhawan in August 2025 and in support of the same, a news article has also been filed. As found in the affidavit of service, bulk mail was delivered at Nirman Bhawan only. Therefore, the knowledge of the order in the writ petition cannot be imputed upon the petitioner on 09.10.2025, based on the affidavit of service relied on by the writ petitioner.

10. Be that as it may, it is further contended by the writ petitioner himself that subsequently, on 01.12.2015, a legal notice was sent, alleging willful disobedience of the order in the writ petition and therefore, the petitioner had knowledge on 01.12.2025. I find from the records that the copy application was made ready on 05.01.2026 and thereafter the review application is filed on 03.02.2026. I do not find the delay to be willful, wanton or inordinate to not be condoned, especially since the order was passed behind the back of the writ petitioner. In the light of the foregoing discussion, I am inclined to condone the delay in filing the review application.



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11.The Division Bench Judgment of the Delhi High Court in *Government of NCT Delhi Vs. Government School Teachers Association (Migrants) Regd and others in LPA.No.620 of 2015* dated 29.10.2025, held that any inordinate and belated attempt to seek review of a judgment is against the principles that govern the discretionary power of the Court in condoning delay, especially in cases of review petitions, which by law generally have a shorter time period prescribed in respect of any challenge placed before Courts.

12.Insofar as the reliance placed on the Division Bench judgment of the Delhi High Court, that was a case where review was sought after a period of 1246 days and in such circumstances, the Hon'ble Division Bench held that such inordinate and belated attempt to seek review was impermissible. However, I have already found that the delay is not inordinate and further, the order itself was passed without hearing the petitioner, therefore, this decision is of no avail to the respondent.

13.In fine, the Writ Miscellaneous Petition is allowed and the delay of 92 days in filing the review application is condoned. Registry is directed to number Rev.Aplw.SR.No.20155 fo 2026, if it is otherwise in order.

13.03.2026

Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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P.B.BALAJI.J,

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To

1.The Ministry of Health and Family Welfare,
Represented by its Secretary,
(Dental Education Society),
Government of India, Nirman Bhavan,
New Delhi.

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Pre-delivery order made in
W.M.P.No.5480 of 2026
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in W.P.No.37762 of 2025

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