



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

Cont.P.No.4189 of 2025
& Rev.Appl.No.60 of 2026

Cont.P.No.4189 of 2025:

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

.. Petitioner

Vs.

D.Sunita Sharma

.. Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1972, to punish the respondent for wilful disobedience of the order of this Court dated 03.10.2025 in W.P.No.37762 of 2025.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.Subramanian Vaidyanathan



Rev.Appl.No. _____ of 2026:

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

.. Applicant

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.

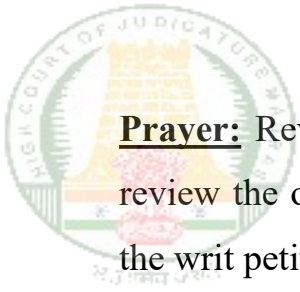
3.The Dental Council of India,
Represented by its Secretary,
Having its office at
National Dental Commission Building,
Plot No.14, Near Sangam Cinema,
Sector – 9, R.K.Puram,
New Delhi – 110 022.

4.The Principal Secretary to Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort St.George, Secretariat,
Chennai – 600 009.

5.The Director of Medical Education and Research,
162, Periyar E.V.R High Road,
Kilpauk, Chennai – 600 010.

6.The Tamil Nadu Dr.M.G.R.Medical University,
Represented by its Registrar,
Guindy, Chennai.

.. Respondents



Prayer: Review Application filed under Order 47 Rule 1 r/w Section 114 of CrP, to review the order dated 03.10.2025 in W.P.No.37762 of 2025 and consequently, dismiss the writ petition.

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For Appellants : Mr.Subramanian Vaidyanathan

For Respondents : Mr.G.Mutharasu
Central Government Standing Counsel for RR2 & 3
Mr.M.Subramanian Vaidyanathan for R1

COMMON ORDER

The Contempt Petition has been filed to punish the respondent for wilful disobedience of the order of this Court dated 03.10.2025 in W.P.No.37762 of 2025.

2.The Review Application has been filed to review the order dated 03.10.2025 in W.P.No.37762 of 2025 and consequently, dismiss the writ petition.

3.I have heard Mr.P.Muthusamy, learned counsel for the contempt petitioner and Mr.Subramanian Vaidyanathan, learned counsel for the review applicant and even respondent in the contempt petition.

4.On 03.10.2025, at the time of admission during the vacation Court, I had disposed of W.P.No.37762 of 2025 filed by the petitioner in the contempt petition and



respondent in the review application. I had allowed the writ petition in the following terms:

“6. In the light of the above, I am inclined to allow this Writ Petition and accordingly, this Court directs the first respondent to release a fresh schedule for counselling for admission of MDS Course to fill up vacant seats under the Government quota. It is made clear that the vacant seats shall be filled up from amongst the waitlisted candidates and the Selection Committee appointed by the Directorate of Medical Department shall finalize the admission. The reschedule process shall be set out by the first respondent within a period of four weeks from the date of receipt of a copy of this order and the extended counselling shall be concluded by the end of November in order to fill up the vacancies.”

5. Admittedly, on the said date, the 1st respondent was not put on notice and was not heard. The learned Standing Counsel for the 1st respondent therein was also not present. I had only recorded the no objection expressed by the Special Government Pleader, who appeared for the respondents 4 and 5. Therefore, under the wrong impression that the respondents were all represented, I proceeded to dispose of the writ petition and thereby issued directions to the 1st respondent, that is the respondent in the contempt petition.

6. No doubt, I had relied on the ratio laid down by the Hon'ble Supreme Court in *Era Lucknow Medical College and Hospital Vs. State of Uttar Pradesh and others*, reported in 2024 SCC Online 3888, which was also followed by the Rajasthan High Court in *Federation of Private Medical and Dental College of Rajasthan Vs. Chairman,*

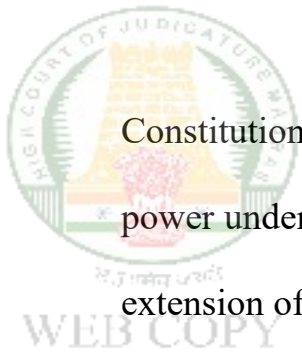


Neet PG Medical and Dental Admission/Counselling Board, in S.B.Civil W.P.No.11/2000

of 2025. It is the contention of Mr.P.Muthusamy, learned counsel for the contempt petitioner that despite the respondent having been put on notice about the order passed, the respondent neither challenged the order nor sought for review in time and has been casually sitting over the order without complying with the directions issued thereunder. It is therefore the submission of the learned counsel for the petitioner that it is a clear case of willful disobedience of the order passed in the writ petition, even though the respondent may not have been heard, when the order was passed.

7.As regards the direction, the learned counsel for the contempt petitioner would reiterate that the Hon'ble Supreme Court has clearly held that vacant seats should not go waste and therefore it was permissible for extension of counselling and therefore, there is no error in the order passed by me in the writ petition, warranting it to be reviewed. The learned counsel also state that having filed a writ appeal, along with an application to condone the delay, it is not open to the review applicant to even seek review at this belated stage, that too with a delay.

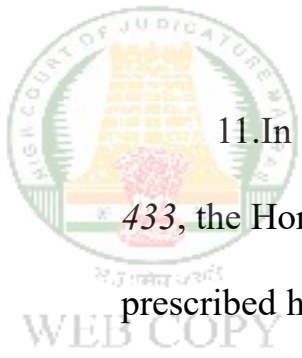
8.Per contra, Mr.Subramanian Vaidyanathan, learned counsel for the 1st respondent and review applicant in review application, inviting my attention to the decision of the Hon'ble Supreme Court in *Era Lucknow Medical College's case*, would state that the Hon'ble Supreme Court exercising powers under Article 32 of the



Constitution of India had extended the time for counselling and this Court, exercising power under Article 226 of the Constitution of India is not empowered to grant any such extension of time.

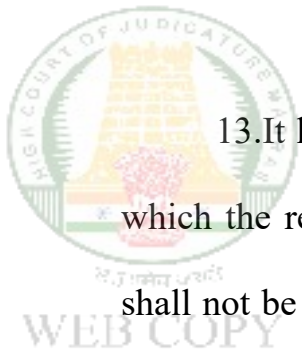
9. In *Mridhul Dhar and another Vs. Union of India*, reported in (2005) 2 SCC 65, the Three Judge Bench of the Hon'ble Supreme Court held that in all professional courses, time schedules will have to be strictly adhered to wherever provided for and there should be no midstream admissions and carrying forward of unfilled seats is also not permissible.

10. In *Chandigarh Administration and another Vs. Jasmine Kaur and others*, reported in (2014) 10 SCC 521, the Hon'ble Supreme Court held that time and again incidents of claiming admission into professional courses are brought before the Court and on every such occasion, reliance is placed upon various decisions of the Hon'ble Supreme Court for issuing necessary directions for accommodating the students to various courses claiming parity and the Hon'ble Supreme Court observed that it was appropriate to state that unless such claims of exceptional nature are brought before the Court within the time schedule fixed by the Hon'ble Supreme Court, the Court or Board cannot pass orders for granting admission out of time.



11. In *Priya Gupta Vs. State of Chattisgarh and others*, reported in (2012) 7 SCC 433, the Hon'ble Supreme Court, following *Mridhul Dhar's case*, held that the schedules prescribed have force of law as they form part of the judgments of the Hon'ble Supreme Court which are declared to be law in terms of Article 141 of Constitution of India and form part of the regulations of the Medical Council of India, which also have the force of law and are binding on all concerned and therefore, any authority cannot have discretion to alter these schedules to suit a given situation and that no power can be exercised to relax, vary or disturb the time schedule or procedure of admission, as provided in the judgments of the Hon'ble Supreme Court and the Medical Council of India Regulations.

12. The Hon'ble Supreme Court further directed that the Medical and Dental Councils of India, the Governments and Universities are expected to act in tandem with each other and ensure that the recognition for starting of the medical courses and grant of admissions are strictly within the time-frames declared by the Supreme Court and relevant regulations. The Hon'ble Supreme Court further observed that it has come to the notice of the Hon'ble Supreme Court that despite warnings issued by the Hon'ble Supreme Court and observations made by the Supreme Court that any non-adherence to the time schedule shall be viewed very seriously, matters have not improved.

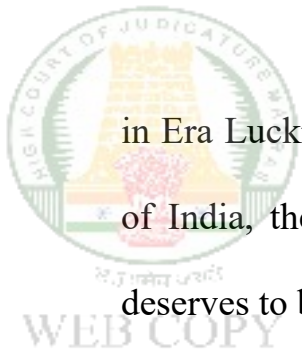


13. It has been further held that any medical or dental college, or seats therein, in which the recognition/approval is issued subsequent to 15th July of the respective year shall not be included in the counselling to be conducted by the authority concerned and that the college would have no right to make admissions in the current academic year against such seats. All admissions through any of the stated selection processes have to be effected only after due publicity and in consonance with the directions issued by the Supreme Court. The Supreme Court has vehemently deprecated the practice of giving admissions on 30th September of the academic year. In fact, that is the date by which, in exceptional circumstances, a candidate duly selected as per the prescribed selection process is to join the academic course of MBBS/BDS. Under the directions of the Supreme Court, the second counselling would be the final counselling, as already held in *Neelu Arora Vs. Union of India* and a third counselling is not contemplated or permitted under the entire process of selection/grant of admission to these professional courses. Every body, officer or authority who disobeys or avoids or fails to strictly comply with these directions *stricto sensu* shall be liable for action under the provisions of the Contempt of Courts Act. Liberty is granted to any interested party to take out contempt proceedings before the High Court having jurisdiction over such institution/State, etc. The person, member or authority found responsible for any violation shall be departmentally proceeded against and punished in accordance with the Rules. The Supreme Court made it clear that violation of these directions or overreaching them by any process shall tantamount to indiscipline, insubordination, misconduct and being



unworthy of becoming a public servant. The college which grants admission current academic year, where its recognition/approval is granted subsequent to 15th July of the current academic year, shall be liable for withdrawal of recognition/approval on this ground, in addition to being liable to indemnify such students who are denied admission or who are wrongfully given admission in the college.

14. Thus, it is seen that it is only the Hon'ble Supreme Court which can grant any extension for counselling, in exercise of extraordinary powers under Article 32 and not the High Court exercising the Article 226 of Constitution of India. In fact, recently the Division Bench of this Court in the *Under Secretary to Government and Others v. Dr. Ajitha and Others*, reported in 2026 MHC 559, has held that the power can be exercised only by the Hon'ble Supreme Court and the Hon'ble Division Bench set aside the order of the writ Court, extending the time for counselling. In the light of the above, when the order in the writ petition was passed, based on the no objection expressed by the respondents 4 and 5, whose consent was actually immaterial and without hearing the main respondent, namely the 1st respondent, the directions issued are certainly not in order and are liable to be recalled. In the light of the above, I do not find any willful disobedience on the part of the respondent in the contempt petition, warranting exercise of power under the Contempt of Courts Act, in order to punish the respondent. Equally, having found that the direction is issued is not in line with the decisions of the Hon'ble Supreme Court, which were admittedly not brought to my notice and even the decision



in Era Lucknow Medical College's case was only exercise of Article 32 of Constitution of India, there is certainly error apparent on the face of the order and the review is deserves to be allowed.

15. In fine, the Review Application is allowed and W.P.No.37762 of 2025 is dismissed. Consequently, the contempt petition is also dismissed. No costs.

13.03.2026

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Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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To

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

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

3.The Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Secretariat,
Chennai – 600 009.

4.The Director of Medical Education and Research,
162, Periyar E.V.R High Road,
Kilpauk, Chennai – 600 010.

5.The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
Guindy, Chennai.



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P.B.BALAJI.J.

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Pre-delivery order made in
Cont.P.No.4189 of 2025
& Rev.Appl.No.60 of 2026

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