

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE N.NAGARESH  
THURSDAY, THE 23RD DAY OF APRIL 2020 / 3RD VAISAKHA, 1942  
WP(C) TMP NO. 112 OF 2020**

**Petitioner :-**

The Chairman,  
S.R. Educational and Charitable Trust,  
Akathumuri, Varkala,  
Thiruvananthapuram District, PIN – 695 141.

By Advs.  
Sri.Kurian George Kannamthanam (Sr.)  
Sri.P.M. SANEER  
Sri. TONY GEORGE KANNANTHANAM

**Respondents:**

1. Union of India,  
Represented by the Secretary to Government,  
Health and Family Welfare,  
(Dental Education Section),  
Nirman Bhavan, New Delhi – 110 011.  
Represented by the CGC Adv. JAISANKAR.
  2. Dental Council of India,  
Represented by its Secretary,  
Kifla Road, New Delhi – 110 002.  
Represented by SC (DCI) Adv. M.P. PRAKASH.
  3. The Commissioner for Entrance Examination,  
Thiruvananthapuram – 695 001.  
Represented by the Government Pleader, High Court of Kerala.
- By  
Central Government Counsel Sri. Gireesh Kumar  
Standing Counsel Sri. M.P. Prakash, Dental Council of India

This writ petition having come up for admission on 23.04.2020, the court on the same day passed the following:

**ORDER**

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***Dated this the 23<sup>rd</sup> day of April, 2020***

The petitioner was granted permission to start 5 MDS Course in 2014. The permission was renewed from time to time. In the year 2016, by Ext.P10, the 1<sup>st</sup> respondent included MDS program run by the petitioner in Part I of the Schedule to Dentists Act, 1948. Now, the 1<sup>st</sup> respondent has issued Ext.P15, ordering the petitioner not to admit students to MDS Courses for the Academic Year 2020-'21.

2. Learned Senior Counsel appearing for the petitioner submits that provisions of Section 16A of the Dentists Act have not been followed while passing Ext.P15. The petitioner had sought ten days' time from the 1<sup>st</sup> respondent to place relevant materials on records to show that the College satisfies all the requirements and the

petitioner has cured all the deficiencies. The request of the petitioner was rejected on untenable grounds.

3. The learned Central Government Counsel as well as the learned Standing Counsel representing the Dental Council of India submit that apart from Section 16A, the Dental Council of India Regulations have been amended and Regulation No.11A has been inserted empowering the 1<sup>st</sup> respondent to order stoppage of admission to any Dental Institutions for good and sufficient reasons. The Regulation is not under challenge. Any order that may be passed in favour of the petitioner will be against the larger public interest.

4. I have considered the arguments on either side. The counsel for the petitioner asserts that the defects pointed out by the respondents have been cured and a compliance report was placed before the Dental Council of India. Had the 1<sup>st</sup> respondent granted time to the petitioner, they could have convinced the 1<sup>st</sup> respondent about the

curing of deficiencies.

5. In the circumstances of the case and taking into consideration the fact that the College is being run from the year 2006, I am of the opinion that Ext.P15 passed without hearing the petitioner is likely to cause irreparable injury to the petitioner. In such circumstances, operation of Ext.P15 is stayed as an interim measure. The respondents are directed to make arrangements for allotment of candidates to the MDS Program 2020-'21 to the petitioner's College. The admission of students will be provisional, subject to the outcome of this writ petition and the candidates being admitted in the petitioner's Institution will be informed of the provisional nature of their admission.

Post the writ petition after one month.

**N. NAGARESH, JUDGE**

**Appendix****Petitioner's Exhibits:**

<b><u>Exhibit P1</u></b> True copy of the Letter of permission from Central Government to admit 50 students for BDS dated 15.7.2006	
<b><u>Exhibit P2</u></b> True copy of the order dated 8.9.2006 issued by the University	
<b><u>Exhibit P3</u></b> True copy of the order issued by the Central Government dated 4.7.2011	
<b><u>Exhibit P4</u></b> True copy of the Notification of the Central Government granting recognition for BDS for 50 students dated NIL June 2012	
<b><u>Exhibit P5</u></b> True copy of order dated 15.7.2013 issued by the Central Government	
<b><u>Exhibit P6</u></b> True copy of the order dated 19.2.2018 issued by the Central Government.	
<b><u>Exhibit P7</u></b> True copy of the order of recognition of BDS with 100 students dated 4.7.2018 issued by the Central Government.	
<b><u>Exhibit P8</u></b> True copy of the order dated 2.4.2013 issued by the Central Government granted permission to start MDS Courses	
<b><u>Exhibit P9</u></b> True copy of the order dated 17.2.2016 issued by the Central Government extending the permission for 2016-17	
<b><u>Exhibit P10</u></b> True copy of the notification dated 27.12.2016 issued by the Central Government	
<b><u>Exhibit P11</u></b> True copy of the recommendation dated 30.1.2020 issued by the Dental Council of India	
<b><u>Exhibit P12</u></b> True copy of the letter dated 10.2.2020 issued by the Central Government to the Principal	

<b>Exhibit P13</b> True copy of the letter dated 17.2.2020 by the College seeking for an adjournment	
<b>Exhibit P14</b> True copy of the preliminary objection by e-mail filed by the petitioner dated 24.2.2020	
<b>Exhibit P15</b> True copy of the order dated 28.2.2020 issued by the Central Government, ordering stoppage of admission for MDS in petitioner's college.	
<b>Exhibit P16</b> True copy of the notification dated 13.4.2020 issued by the Entrance Commissioner.	