

**HIGH COURT OF MADHYA PRADESH: BENCH AT  
INDORE**

**D.B.:Hon'ble Shri P.K. Jaiswal  
Hon'ble Shri Alok Verma, JJ.**

**W.P. No.5553/2015**

MODERN DENTAL COLLEGE & RESEARCH CENTER INDORE  
**Versus**

GOVERNEMNT OF INDIA & ORS.

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Shri Vijay Assudani, learned counsel for the petitioner.  
Shri Anand Soni, learned counsel for respondent No.1.  
Shri Vivek Sharan, learned counsel for respondent No.2.  
None for respondents No.3 and 4, though served.

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**ORDER**

(Passed on 14th day of March, 2016)

**Per P.K. Jaiswal, J:-**

The Petitioner Dental College has filed this writ petition, as a second round of litigation, challenging the order dated 31.7.2015 (Annexure P/36), passed by the respondent No.1 whereby, the respondent No.1, rejected the renewal of permission for admitting 4<sup>th</sup> Batch of students in the specialty of **Orthodontics** and **Dentofacial Orthopedics** from 3 to 6 and Paedodontics and Preventive Dentistry from **4 to 6 seats** for the Academic Year 2015-16 on account of non – furnishing of a University Affiliation issued by respondent No.4 – Medical University within the time framed prescribed by Dental Council of India Regulation, 2006.

**2.** In the earlier round of litigation, the petitioner – Dental College aggrieved by the recommendation dated 28.2.2015 of the respondent No.2 and consequent decision

dated 31.3.2015 taken by the respondent No.1, filed a Writ Petition No.2398/2015 before this Court. The Division Bench of this Court vide its order dated 7.5.2016, disposed of the writ petition. The operative para 22 of the order dated 7.5.2012 reads as under :-

*“22.From the aforesaid, in our considered view,the impugned order passed by respondents No.1 and 2 on 31.03.2015 (Annexure P/28) and 28.02.2015 (Annexure P/22) cannot be sustained. Therefore, the same are hereby quashed; however, with liberty to the Central Government to pass a fresh order, after giving opportunity of being heard to the petitioner. Dental Council of India is also directed to consider the case of the petitioner and submit its recommendations, in accordance with law, to the Central Government. The Competent Authority of the Central Government shall give an opportunity of hearing to the petitioner and then shall take appropriate decision regarding renewal of permission of fourth batch for MDS Course in Orthodontics and Paedodontics, as early as possible, within a period of four weeks from the date of filing of the certified copy of this order.”*

**3.** The BDS degree and the MDS degree in various specialities in respect of the students of the petitioner – Dental College awarded by Devi Ahilya Vishwavidhyalaya, Indore is recognized under Section 10(2) of the Dentists Act, 1948 and the petitioner dental college is under statutory obligation to have full complement of staff, equipment and other infrastructure facilities including University affiliation prescribed for under – graduate training programme and also to have additional requirements in respect of funds or allocation of finances, staff and other infrastructure facilities as per the norms prescribed by the Council and approved by the Central

Government under Section 20 of the Dentists Act, 1948, in the revised MDS Course Regulations, 2007, Post Graduate Diploma Course Regulations, 2008 and policy framed and declared from time to time. The last date of sending the recommendation by the DCI to the Government of India was **28.2.2015**. The petitioner – Dental College furnished its University affiliation dated 27.2.2014 issued by the respondent No.4 – Medical University to Union of India only on **18.3.2015**, by that time, the last date for sending appropriate recommendation by the DCI was already over.

**4.** For the academic year 2015 – 16, Hon'ble the Supreme Court in Writ Petition (s) (Civil) No.76/2015 ***Ashish Ranjan & others v. Union of India & others*** has extended the time for admission in PG Medical / DE Course till 10<sup>th</sup> June, 2015. Relevant part of the order dated 24.03.2015 reads as follows: -

“In course of hearing a chart has been given indicating the time schedule for the medical / dental admission for the academic year 2015-16. It reads as follows:

**“Proposed Postgraduate Medical / Dental Admission Schedule (For Academic Year 2015-16)**

<b>Schedule admission</b>	<b>for</b>	<b>Postgraduate Courses</b>
	<b>State Quota</b>	<b>All India Quota</b>
Conduct of entrance examination		Between 1 <sup>st</sup> December, 2014 to 6 <sup>th</sup> December, 2014
Declaration of result of		By 15 <sup>th</sup> January

qualifying examination / entrance examination		
1 <sup>st</sup> round of counseling / admission	To be over by 5 <sup>th</sup> April	Between 1 <sup>st</sup> March to 4 <sup>th</sup> March
Last date for joining the allotted college and course	8 <sup>th</sup> April	By 15 <sup>th</sup> March
2 <sup>nd</sup> round of counselling for allotment of seats from waiting list	Between 29 <sup>th</sup> April to 3 <sup>rd</sup> May	Between 10 <sup>th</sup> April to 16 <sup>th</sup> April
Last date for joining for candidates allotted seats in 2 <sup>nd</sup> round of counselling	8 <sup>th</sup> May	27 <sup>th</sup> April
3 <sup>rd</sup> round of Counselling (for filling up of seats reverted from All India Quota / other vacant seats from State Quota	Between 31 <sup>st</sup> May to 4 <sup>th</sup> June	Between 9 <sup>th</sup> May to 19 <sup>th</sup> May
Last date for joining for candidates allotted seats in 3 <sup>rd</sup> round of counseling	8 <sup>th</sup> June	30 <sup>th</sup> May
Commencement of academic session	30 <sup>th</sup> May	30 <sup>th</sup> May
<u>Last date up to which students can be admitted against vacancies arising due to any reason from the waiting list</u>	<u>10<sup>th</sup> June</u>	

This chart is accepted by all. In view of the aforesaid, it is directed that it shall be treated as order of this Court fixing the time schedule and all the States shall obey it in letter and spirit. Learned counsel who are appearing for the States are requested to send a copy of the same to the concerned authorities of the State. Mr. Gaurav Sharma, learned counsel appearing for the Medical Council of India shall also send a copy of the order passed today by appropriate process to the concerned authorities of the States by a forwarding

letter so that there should be no deviation by any authority.

Though we have fixed the time schedule for 2015-16 after quite a long deliberation with the counsel for the petitioners, the States and the Medical Council of India, we think a time has come where the Medical Council of India and the Director General Health Services of Union of India should frame a time schedule for the next academic session 2016-17 and thereafter so that a specific time schedule is followed in letter and spirit and controversies of this nature do not travel to the Court every year. All the States are bound to co-operate with the aforesaid authorities failing which serious view shall be taken. We are compelled to say so, as Mr. Gaurav Sharma, learned counsel for the Medical Council of India, submitted that there is non-cooperation by the States in this regard. Let the matter be listed on 05.05.2015."

**5.** From perusal of the order passed by the Apex Court, it is not in dispute that the last date upto 10<sup>th</sup> June, 2015, was extended **to which students can be admitted against vacancies arising due to any reason from the waiting list.**

**6.** The Dental Council of India vide circular dated 18.6.2015 (Annexure R-2/3) directed all the Dental Colleges running P.G. Course in the country that the last date up to which students can be admitted against the vacancies arising due to any reason from the waiting list was **10<sup>th</sup> June, 2015** for State quota and the last date for joining for candidates allotted seats in third round of counselling was **30<sup>th</sup> May, 2015** for All India Quota for the academic session 2015-16 and accordingly, directed all the dental colleges running PG Courses are under statutory obligation to furnish the list of the

students admitted by them in MDS Course(s)/PG Diploma Course(s) (Both under Govt. & Management Quotas) to the DCI, and in case any admission are made in violation of this Time Schedule as well as in violation of the provision of the Dentists Act and Regulations made thereunder, the provisions of the Section 10B of the Dentists (Amendment) Act, 1993 providing for non-recognition of dental qualification in respect of such students or the provisions of Section 16A for withdrawal of recognition for violation of conditions of admission, as the case may be, would be initiated against such erring dental college(s).

**7.** The petitioner – Dental College sent the list of its students to the DCI on 29.7.2015 (Annexure R-2/7). As per note appended in the list of admitted students in MDS Course in the academic Session 2015-16 of petitioner – Dental College two students were admitted in MDS (Orthodontics) and one in MDS (Pedodontics), pursuant to the order dated 7.5.2015 passed by this Court in W.P.No.2398/2015. Copy of note appended along with the writ petition, which is at page No.128 filed by DCI is relevant which reads as under :-

***“These two students were admitted in MDS (Orthodontics) and one in MDS (Pedodontics), pursuant to order dated 7.5.2015 passed by Hon'ble High Court in W.P.No.2398/2015, whereby Hon'ble High Court was pleased to quash and set aside order dated 31.5.2015 passed by Govt. of India, Ministry of Health & Family Welfare advising us not to admit students in enhances seats of MDS (Orthodontics) and MDS (Pedodontics) for academic session 2015 -16.”***

**8.** The said note is contrary to the order dated 7.5.2015 passed in W.P.No.2398/2015. By the aforesaid order, no direction was ever issued to the petitioner – Dental College to grant admission to the students. The DCI on coming to know about the aforesaid, issued show cause notice to the petitioner – Dental College on 21.9.2015 (Annexure R2/8) asking as to why they have admitted two excess students in the speciality Orthodontics and Dentofacial Orthopedics from 3 to 5 seats for increase of seats for the academic year 2015-16 without the prior approval of the Government of India under Section 10(A) of the Dentists Act. On 21.9.2015, the DCI also directed the petitioner – College to fulfill the following deficiencies and furnish the compliance report to the Council for furtherance in the matter. Relevant para of the notice reads as under :-

***"In the first instance, the college authority be asked to show cause as to why they have admitted 2 excess student in the specialty Orthodontics and Dentofacial Orthopedics from 3 to 5 seats for increase of seats for the academic year 2015-16 without the prior approval of the Govt. of India under Section 10(A) of the Dentists Act."***

**9.** The petitioner – College submitted its reply vide Annexure R-2/9, dated 12.10.2015. Relevant part of the reply reads as under :-

***"3. That the said order was challenged by us before the Hon'ble High court of M.P. Bench at Indore by filing W.P.No.2398/2015, which was***

***allowed vide order dated 7.5.2015 and said order dated 31.3.2015 passed by Union of India as well as order dated 28.2.2015 passed by Dental Council of India was quashed and set aside. Thus, after 7.5.2015, the order dated 31.3.2015 passed by Government of India directing us not to admit the students lost its efficacy and therefore, after 7.5.2015, there was no restriction on us from admitting students hence we have admitted five students in MDS Paedodontics & Preventive Dentistry (not six as alleged by you in show cause notice) and have admitted five students in MDS Orthodontics and Dentofacial Orthopedics."***

**10.** As per Annexure P/6 dated 28.3.2013 and Annexure P/7, dated 30.4.2013, the respondent No.1 directed the petitioner not to admit any student for increase of seats in the speciality of Paedodontics and Preventive Dentistry from 4 to 6 seats at Modern Dental College and Research Centre, Indore, for the academic session 2013-14. The admission in the next batch of students in MDS Course for increase of seats in the above specialities for the academic year 2014-15 will be made only after obtaining the renewal permission from the Central Government. In case any admissions are made in violation of the above condition, the same will be treated as irregular and action under Section 10B of the Dentists (Amendment) Act, 1993 will be initiated. Similar letter dated 30.4.2013, was issued by the Government of India vide Annexure P/7, which reads as under :-

***"In continuation of this Ministry's letter***



***of even number dated 31.3.2012 and 28.3.2013, I am directed to convey the approval of the Central Government for renewal of permission for 2<sup>nd</sup> year admissions for increase of seats in MDS courses in the specialities of Paedodontics and Preventive Dentistry from 4 to 6 seats at Modern Dental College and Research Centre, Indore for the academic session 2013-14.***

***2. The next batch of students in MDS course in the above specialities for the academic year 2014-15 will be made only after obtaining the renewal permission from the Central Government.***

***3. Admissions made in violation of the above stipulations will attract the provisions of Section 10B of the Dentists (Amendment) Act, 1993."***

**11.** Similarly, for the academic year 2015-16, similar letter was issued by the Government of India on 15.4.2015 vide Annexure P/10, which reads as under : -

***"In continuation of this Ministry's letter of even number dated 28.3.2013 & 30.4.2013, I am directed to convey the approval of Central Government for renewal of permission for 3<sup>rd</sup> year MDS course for increase of seats in the specialties of (I) Paedodontics and Preventive Dentistry from 4 to 6 seats (ii) Orthodontics & Dentofacial Orthopedics from 3 to 5 seats at Modern Dental College and Research Centre, Indore for the academic year 2014-15.***

***2. The Admission of next batch of students in MDS Course for increase of seats in the above specialties for the academic years 2015-16 will be made only after recognition of MDS Degree by the Central Government.***

**3. In case any admissions are made in violation of this condition, such admissions would be treated as irregular and action under 10B of the Dentists (Amendment) Act, 1933 would be initiated.**

**4. Discrepancies, if any, may be brought to the Notice of DCI and State/Central Government."**

**12.** In pursuance to the order passed by this Court on 7.5.2015 in W.P.No.2398/2015, the Government of India by order dated 31.7.2015 (Annexure P/36), rejected the prayer on the ground that, the last date of DCI to make a recommendation to the Ministry of Health & Family Welfare, Government of India was 28.2.2015. Similarly, the last date for Government of India approval was 31.3.2015. As per Schedule, the petitioner – Dental College was required to submit the consent of University affiliation by 30<sup>th</sup> June, 2014. The concerned institution has not submitted its letter of affiliation till 28.2.2015, which was the last date for DCI to make a recommendation to the Ministry of Health & Family Welfare, Government of India. Accordingly, the DCI vide its letter dated 27.3.2015 and 21.5.2015, maintained its disapproval of renewal permission in respect to said MDS Courses run by the institution. As per the time schedule course in DCI Regulation 2006, the last date for Government of India to either approve or disapprove a case was 31.3.2015. As the petitioner – Dental College failed to submit the document within the time schedule as framed by the DCI in terms of the direction issued by Hon'ble the Supreme Court in its various judgments, the request of the petitioner for grant of renewal permission for admitting 4<sup>th</sup> Batch of students in MDS course

with increase of seats in the speciality of (i) Orthodontics and Dentofacial Orthopedics from 3 to 5 seats and (ii) Paedodontics and Preventive Dentistry from 4 to 6 seats for the academic year 2015-16 was rejected.

**13.** Learned counsel for the petitioner has drawn our attention to the decision of the Apex Court in the case of ***Prayadarshini Dental College & Hospital v/s. Union of India & Ors.***, reported as ***2011 (4) SCC 623***, para 18 to 21, 23, 24, 25 and 27 and submits that the impugned order be quashed and the respondents No.1 and 2 be directed to grant renewal of permission for admitting 4<sup>th</sup> Batch of students in MDS course with increase of seats in the speciality of (i) Orthodontics and Dentofacial Orthopedics from 3 to 5 seats and (ii) Paedodontics and Preventive Dentistry from 4 to 6 seats for the academic year 2015-16.

**14.** Per contra, Shri V. Sharan, learned counsel for the respondent No.2 – DCI has submitted that the direction sought by the petitioner is contrary to Dentists Act, 1948 and statutory regulations framed by the DCI with the prior approval of the Central Government under Section 20 of the Dentists Act, 1948 and the law laid down by the Apex Court from time to time. He submits that the initial permission of Union of India is granted only for a period of one year and the same is subject to its yearly renewal after physical inspection by the DCI till the dental qualification awarded by the Affiliating University in respect of the students of such dental institutions is recognized in accordance with the provisions of Section 10(2) of the Dentists Act, 1948.

**15.** That the petitioner dental college, in response to the letter dated 10<sup>th</sup> & 11.12.2014 of the answering respondent, furnished its compliance report vide their letter dated 19.1.2015 which was considered by the Executive Committee of the DCI in its meeting held on 19<sup>th</sup> January, 2015 and taking its lenient view, decided to recommend to the General Body of the DCI to renew its permission for admitting 4<sup>th</sup> batch of Students in MDS Course for increase of seat in the speciality of Orthodontics & Dentofacial Orthopedics from 3 to 5 seats and in the speciality of Paedodontics and Preventive Dentistry from 4 to 6 seats at petitioner dental college for the academic session 2015-16 but subject to submission of University affiliation for 2014-15 by 28.2.2015.

**16.** In respect of furnishing of the university affiliation from the affiliating university, the petitioner dental college has averred in the writ petition that a copy of the university affiliation was handed over to the Council's Inspectors at the time of inspection but it is incorrect, the petitioner dental college did not have any university affiliation with them even upto 27.2.2015. The petitioner dental college in its compliance report dated 19.1.2015 again tried to mislead the respondent No.2 by stating that the Registrar, Devi Ahilya Vishwavidyalaya, Indore as university affiliation, which was in-fact merely a certificate to the effect that the petitioner dental college had deposited the renewal fee for BDS and MDS courses for the academic session 2014-15. Therefore, the certificate date 6.3.2014 issued by respondent No.3, is not an university affiliation by any stretch of imagination. The petitioner dental

college, further annexed with their compliance report dated 19.1.2015, a copy of letter dated 19.12.2014 issued by respondent No.4 University stating therein that the matter of issuance of university affiliation to the petitioner dental college for the academic session 2014-15 was under process with them. This certificate of respondent No.4 University also cannot be termed as university affiliation. However, the respondent No.2, taking its lenient view and keeping in view the interest of the students pursuing their study at the petitioner dental college, recommended for renewal of permission subject to fulfillment of statutory requirement of the university affiliation, but the petitioner dental college has, admittedly, miserably failed to furnish any university affiliation by 28.2.2015.

**17.** That the General Body of the answering respondent, DCI, in its meeting held on 21 & 22.2.2015 considered the recommendations dated 19.1.2015 of the Executive Committee for renewing the permission for admitting 4<sup>th</sup> batch of the students in the specialties of Orthodontics and Pedodontics for increase of seats at petitioner dental college for the academic session 2015-16 subject to furnishing of university affiliation by the petitioner dental college by 28.2.2015 and after discussion and deliberation at length, recommended to respondent No.1 UOI to not to allow admissions for increase of seat in the specialties of Orthodontics from 3 to 5 seats & Dentofacial Orthopedics & Pedodontics from 4 to 6 seats at petitioner dental college for the academic session 2015-16 on account of

not submission of university affiliation. The answering respondent No.2 vide its letters both dated 26.2.2015, a copy whereof is annexed and marked as **Annexure R.2/3**, communicated its decision to respondent No.1 UOI to take its decision u/s 10 A(4) of the Dentists Act.

**18.** The respondent No.1, UOI, after receipt of the recommendations dated 28.2.2015 of the respondent No.2, afforded Personal Hearing on 18.3.2015 by a Committee of Experts, constituted by it, to the petitioner dental college and after considering the submission and documents furnished by the petitioner dental college to them, decided to again refer the case of the petitioner dental college to the respondent No.2 to review its recommendations in respect of the 16 dental colleges including petitioner dental college. Accordingly, the respondent No.1 UOI, vide its letter dated 19.3.2015 (**Annexure R2/4**) requested the respondent No.2, inter-alia, the review/assess the schemes in light of the documents submitted by the colleges/petitioner in compliance and the recommendations of the Committee with the request to take appropriate necessary action (s) for review and furnish its recommendations accordingly to this Ministry, immediately and also stipulated therein that last date for issuance of letter of permission by them is 31.3.2015.

**19.** That the Executive Committee of respondent No.2, DCI, at its meeting held on 26<sup>th</sup> March, 2015 considered letter No. V.12025/7/2015-DE dated 19.3.2015 from UOI and categorically observed that since as per Time Schedule annexed with DCI Regulation, 2006 and law laid down by the

Hon'ble Supreme Court of India in catena of cases including ***Madhu Singh, Mridul Dhar*** and ***Priya Gupta*** case, the respondent No.2 was mandated to send its recommendation to UOI on or before the cut off dated i.e. 28.2.2015. Accordingly, the respondent No.2, inter-alia, decided, qua, the petitioner dental college all among other concerned dental colleges, to not to renew its permission for admitting 4<sup>th</sup> batch of Students in MDS Course and not to allow admissions for increase of seat in the specialties of Orthodontics & Dentofacial Orthopedics from 3 to 5 seats and in Pedodontics from 4 to 6 at petitioner dental college for the academic session 2015-16 due to non submission of university affiliation within the Time Schedule prescribed in the Regulations. However, the answering respondent in its letter dated 27.3.2015 (**Annexure R2/5**) in the last paragraph thereof has specifically, mentioned, inter-alia, that in cases where university affiliation is required and college authority submitted the same to respondent No.1, UOI before 31.3.2015, the UOI was free to take its own independent decision under Section 10(A) 4 of the Dentists Amendment Act 1933 in such cases.

**20.** The time schedule annexed to the DCI Regulations 2006 mandates the DCI to send its appropriate recommendations by 28.2.2015, for the academic session 2015-16 and the Union of India was to convey its appropriate decision by 31.3.2015. This time schedule is to be strictly adhered by all concerned. The Hon'ble Supreme Court in the case of ***Mridul Dhar (Minor) & Anr. V/s Union of India & Ors.*** reported as ***2005 (2) SCC 65*** has also directed as under

:-

**"15. Time Schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceed with."**

21. It is well settled that the High Courts, while exercising jurisdiction under Article 226 of the Constitution of India would not be empowered to substitute its own opinion over the opinion of the expert authorities created under the statues framed by the Parliament. In the case of ***Krishna Priya Ganguli Vs. University of Lucknow*** reported as ***(1984) 1 SCC 307*** wherein, certain Writ Petitions were entertained by the Hon'ble Allahabad High Court, which were filed by the unsuccessful candidates who could not get admissions in the PG medicine course, by ignoring, relaxing or dispensing with statutory rules and Govt. orders and by giving ex-parte directions for admission of candidates, the Hon'ble Supreme Court, inter-alia, observed as under:-

**".....The High Court under Article 226 cannot ignore the rules framed by the Admissions Committee; nor can it device its own ceriterion for admission. It is a matter for decision of the academic body. If the academic body applied the rules in a bonafide manner to all the candidates equally, the High Court has no jurisdiction to interfere with the internal working of the academic institutions. The High Court can neither relax or rewrite the rules nor grant admission to a person who is appreciably below the required merit on ground of his having a diploma....."**

22. Provisions of Section 10-A of the Dentists Act,



1948, are pari materia with Section 10-A of the Indian Medical Council Act.

**23.** In the instant case, the application of the petitioner was in-complete due to non-submission of the University affiliation within the time schedule prescribed in the regulations for the academic year 2015-16. It is also not in dispute that the petitioner – Dental College admitted three illegal admissions in the speciality of Orthodontics and Paedodontics for the academic year 2015-16, without the prior approval of Union of India under Section 10A (4) of the Dentists Act, 1948. The factum of admission has not been disclosed by the petitioner in it's writ petition. The stand of the petitioner that he in terms of order dated 7.5.2015 passed W.P. No.2898/2015, granted admission to three students. As per operative para of the order dated 7.5.2015, this Court only quashed the order dated 31.3.2015 passed by the Union of India, which does not make entitled the petitioner – Dental College to admit any student to the extent increase admission capacity in each speciality merely on the ground of quashing and setting aside the order, particularly when the Division Bench directed the respondent No.2 and respondent No.1 – Union of India to take their further decision and to pass an appropriate orders. This shows that the petitioner – Dental College has not approached this Court with its clear heart, mind and hands. The jurisdiction under Article 226 of the Constitution is extraordinary, equitable and discretionary and it is imperative that the petitioner approaching the writ court must come clean hands and put forward all the facts before

the Court without concealing or suppressing anything and seek an appropriate relief.

**24.** The Dentists Act, 1948 and DCI Regulations makes it very clear that the petitioner – Dental College is statutory obliged to have requisite infrastructure and facilities as per DCI norms, and also to apply to the Dental Council of India for such renewal well in advance for the next academic session. As per the provisions of Section 10A (1) (b) (ii) of the Dentists (Amendment) Act, 1993, no persons, no authority and institutions can increase its admission capacity in any course of study or training (including a post-graduate course of study or training).

**25.** The Union of India on 15.4.2014 (Annexure P/10) while conveying its approval for renewal of permission for 3<sup>rd</sup> year MDS Courses in the speciality of Orthodontics and Paedodontics for the last academic year 2014-15 categorically, inter-alia, stipulated that the admission of next batch of students in MDS Course for increase of seats for the academic year 2015-16 would be made only after recognition of MDS Degree with increase of seats and also that in case any admissions are made in violation of any condition stipulated by respondent No.1 – Union of India was to be treated as irregular admission and action under Section 10B (3) of the Dentist (Amendment) Act, 1993 was to be initiated against the petitioner – Dental College.

**26.** The respondent No.2 initiated proceedings for withdrawal of recognition because the petitioner – Dental College has admitted three admissions, (2) two in

Orthodontics and (1) one in Paedodontics for the academic session 2015-16 in contravention of Section 10A (1) (b) (3) and contrary to the impugned order dated 31.7.2015, we are of the view that the petitioner is not entitled for any discretionary relief nor impugned order dated 31.7.2015 is liable to be quashed / set aside.

**27.** In view of the law laid down by the Apex Court in the case of **D.Y. Patil Medical College** V/s. **Medical Council of India & Anr.** reported as 2015 (10) SCC 51 it is crystal clear time schedule is required to be strictly observed. Considering the statutory time schedule and that the same is already over, hence, it would not be appropriate to issue any direction for consideration of the petitioner's college case for the ongoing admission session 2015-16, as that would be breach of law laid down in various decisions of the Apex Court, which is binding. Thus, we direct the petitioner – College to apply a fresh for renewal of permission for admitting 4<sup>th</sup> Batch of students in the specialty of Orthodontics and Dentofacial Orthopedics from 3 to 6 and Paedodontics and Preventive Dentistry from 4 to 6 seats for the next Academic Year 2016-17, subject to furnishing of University affiliation from the medical University within the time framed prescribed by the DCI Regulations 2006 and fulfillment of other requisite formalities, as may be necessary and completion of the proceedings initiated by the respondents for cancellation of recognition because three admissions were made in violation of the Dentists Act, 1948 and DCI Regulations.

**28.** No case for quashment of order dated 31.7.2015

(Annexure P/36) passed by respondent No.1, as prayed by the petitioner is made out. W.P. No.5553/2015, is dismissed with the aforesaid.

**29.** Cost Rs.25,000/- is awarded to each of the respondents.

**(P.K. JAISWAL)**  
**JUDGE**

**(ALOK VERMA)**  
**JUDGE**

SS/-