



**भारतीय दंत परिषद**  
(दंत चिकित्सक अधिनियम, 1948 के तहत स्थापित एक सांविधिक निकाय)  
स्वास्थ्य और परिवार कल्याण मंत्रालय, भारत सरकार के अधीन  
**DENTAL COUNCIL OF INDIA**  
(A STATUTORY BODY CONSTITUTED UNDER THE DENTISTS ACT, 1948)  
UNDER MINISTRY OF HEALTH & FAMILY WELFARE, GOVERNMENT OF INDIA



No.DCI/Admission/Admsn/BDS/Gen/999/2025-26/2025/1572

दिनांक: 19-05-2025

To,

1. The Assistant Director General (MCC), (via Email)  
Directorate General of Health Services,  
Nirman Bhawan, Maulana Azad Road,  
New Delhi, Delhi - 110108.  
adgme@nic.in
2. All Director of DME. (via Email)
3. All Counselling Authorities. (via Email)
4. All Universities. (via Email)

विषय: शेख रजिया बनाम आरजीयूएचएस के मामले में दायर रिट याचिका संख्या: 24639/2022 और संबंधित मामले, डब्ल्यू.पी. संख्या: 24750/2022 में कर्नाटक के माननीय उच्च न्यायालय द्वारा पारित न्यायालय आदेश दिनांक 27.11.2024 - कार्यान्वयन और अनुपालन Court Order dated 27.11.2024 passed by the Hon'ble High Court of Karnataka in W.P. No. 24639/2022 in the matter of Shaikh Razia Vs RGUHS, WP No. 24750/2022 and connected matters – implementation and compliance thereto

महोदय/Sir,

मुझे यह कहने का निदेश हुआ है कि भारत में दंत चिकित्सा शिक्षा के मानकों को बनाए रखने के लिए डेंटल कॉलेजों में दाखिले की प्रक्रिया की प्रामाणिकता महत्वपूर्ण है। जबकि, हर साल कुछ डेंटल कॉलेजों द्वारा बैचलर ऑफ़ डेंटल सर्जरी (बीडीएस) और मास्टर ऑफ़ डेंटल सर्जरी (एमडीएस) पाठ्यक्रमों में छात्रों को दाखिला देने में अनियमितताओं की कई रिपोर्टें सामने आई हैं। इन अनियमितताओं में अक्सर कटऑफ तिथि के बाद छात्रों को दाखिला देना और भारतीय दंत परिषद (डीसीआई) और संबद्ध विश्वविद्यालयों में आवश्यक विवरण और दस्तावेज़ जमा करने में विफल रहना शामिल है।

2. इसके अलावा, यह भी देखा गया है कि छात्र डीसीआई विनियमों में निर्धारित सभी पात्रता मानदंडों, चयन मानदंडों को पूर्ण करने और सक्षम अधिकारियों को अपेक्षित शुल्क का भुगतान करने के बाद ही, डेंटल कॉलेजों में दाखिला प्राप्त करते हैं, उचित और आवश्यक तरीके से अपना पाठ्यक्रम पूर्ण करते हैं, लेकिन कॉलेज द्वारा डीसीआई/विश्वविद्यालय पोर्टल पर उसका विवरण प्रस्तुत न करने के कारण विश्वविद्यालय या परिषद छात्र को परीक्षा देने की अनुमति नहीं देता है और छात्र को दोषी मान लिया जाता है जबकि दोषी कॉलेजों के खिलाफ कोई कार्रवाई भी नहीं की जाती है, जिसके कारण छात्रों में अपने दाखिले की वैधता को लेकर अनिश्चितता और तनाव पैदा होता है और डीसीआई के साथ पंजीकरण में देरी के कारण उनका करियर भी प्रभावित होता है। इसके अलावा, अनियमितताओं में शामिल होने के कारण कॉलेज की प्रतिष्ठा को भी नुकसान पहुंचता है। इसके अतिरिक्त, डीसीआई और विश्वविद्यालयों को अनियमितताओं की पहचान करने और उन्हें दूर करने में भी प्रशासनिक बोझ का सामना करना पड़ता है।

3. इस संबंध में, डीसीआई के समक्ष कई ऐसे मामले आए हैं, जिनमें छात्रों ने नीट परीक्षा उत्तीर्ण करने के बाद कॉलेज में दाखिला लिया, जिन्हें संबंधित काउंसिलिंग अथॉरिटी द्वारा निर्धारित समय अवधि के भीतर अपेक्षित शुल्क का भुगतान करके आवंटित किया गया,

परन्तु, केवल कॉलेज ने छात्रों का विवरण डीसीआई या विश्वविद्यालय के पोर्टल पर अपलोड नहीं किया इसलिए डीसीआई या विश्वविद्यालय छात्रों को अपनी पढ़ाई जारी रखने की अनुमति नहीं देता है और कॉलेज के खिलाफ कोई कार्रवाई भी नहीं करता है।

4. माननीय कर्नाटक उच्च न्यायालय के दिनांक 26.03.2024 के आदेश के तहत WP संख्या: 24638, 24639 और 24750/2022 - शेख रजिया एवं बनाम आरजीयूएचएस एवं अन्य में पारित किया कि - (i) दाखिले की प्रक्रिया में दंत महाविद्यालयों द्वारा की जाने वाली समान अनियमितताओं की पहचान करना ताकि वे निर्धारित दाखिले की तिथि के बाद छात्रों को दाखिला देकर इस तरह प्रथाओं में लिप्त रहने की कार्यवाही न कर सके जो छात्रों और अभिभावकों के जीवन और स्वतंत्रता को खतरे में डाल सकती हैं। (ii) छात्रों, संस्थानों और नियामक निकायों पर इन अनियमितताओं के प्रभाव का आकलन करें (iii) भविष्य में ऐसी अनियमितताओं को रोकने के लिए सिफारिशें प्रदान करें (iv) छात्रों के आवंटन और अनुमोदन में काउंसिलिंग अथॉरिटी और संबद्ध विश्वविद्यालय के बीच समन्वय में समस्याओं की पहचान करें, इस परिषद को विस्तृत परियोजना रिपोर्ट (डीपीआर) तैयार करने का निर्देश दिया गया है, जिसमें निम्नलिखित कार्यप्रणाली शामिल है - (i) भारतीय दंत परिषद, काउंसिलिंग अथॉरिटीयों और संबद्ध विश्वविद्यालयों द्वारा नियामक दिशानिर्देशों की समीक्षा (ii) दंत चिकित्सा कॉलेज में दाखिले की अनियमितताओं के प्रलेखित मामलों का विश्लेषण (iii) विश्वविद्यालयों, कॉलेज प्रशासकों और नियामक अधिकारियों सहित हितधारकों के साथ बैठक (iv) दंड उपायों और उनकी प्रभावशीलता की जांच और (v) काउंसिलिंग अथॉरिटीयों और विश्वविद्यालयों द्वारा छात्रों का सत्यापन।

5. तदनुसार, माननीय कर्नाटक उच्च न्यायालय के आदेश दिनांक 26.03.2024 के अनुसार, डीसीआई द्वारा एक डीपीआर तैयार की गई, जिसे माननीय उच्च न्यायालय द्वारा स्वीकार कर लिया गया और दिनांक 27.11.2024 के आदेश के अनुसार इसे लागू करने का निर्देश दिया गया (प्रतिलिपि संलग्न) है। इसके अलावा, उक्त डीपीआर की प्रति भी अवलोकन और संदर्भ के लिए संलग्न है।

6. डीपीआर में की गई सिफारिशों के अनुसार, डीसीआई सभी बीडीएस/एमडीएस छात्रों की दाखिले की प्रक्रिया को मजबूत करने और उनके विवरण, पात्रता आदि की जांच और सत्यापन करने के लिए एक सामान्य वेब पोर्टल बना रहा है ताकि काउंसिलिंग अथॉरिटी और विश्वविद्यालय के बीच किसी भी अस्पष्टता या चूक से बचा जा सके और छात्र के दाखिले और उनके सत्यापन का विवरण कॉलेजों, काउंसिलिंग अथॉरिटीयों और संबद्ध विश्वविद्यालयों द्वारा उपयोग किया जा सके ताकि दाखिले की अंतिम तिथि से एक सप्ताह पहले काउंसिलिंग प्रक्रिया पूर्ण हो जाए। वेब पोर्टल बनाने और विकसित करने की प्रक्रिया में कुछ समय लगेगा। जैसे ही वेब पोर्टल तैयार हो जाएगा, इसकी सूचना सभी काउंसिलिंग अथॉरिटीयों, संबद्ध विश्वविद्यालयों और डेंटल कॉलेजों/संस्थानों को दे दी जाएगी।

7. इसके अलावा, माननीय उच्च न्यायालय ने डेंटल कॉलेजों द्वारा छात्रों को दाखिला देने और सामान्य वेब पोर्टल पर विवरण अपलोड करने की निर्धारित अनुसूची के उल्लंघन पर दंड की कार्यवाही को स्वीकार कर लिया है, डेंटल कॉलेजों / संस्थानों पर निम्नलिखित जुर्माना लगाया जाएगा: -

- (i) उल्लंघन के पहले मामले में, डेंटल कॉलेज पर प्रति छात्र पूरे पाठ्यक्रम की कुल फीस का चार गुना जुर्माना लगाया जाएगा, जिसे डीसीआई और विश्वविद्यालय द्वारा जारी निर्देशों की तारीख से 15 दिनों के भीतर संबंधित राज्य सरकार को जमा करना होगा। इसके अलावा, प्रभावित दाखिलों की संख्या भी अगले शैक्षणिक वर्ष के दौरान निष्प्रभावी (Neutralized) कर दी जाएगी।
- (ii) उल्लंघन की दूसरी घटना पर, दोषी डेंटल कॉलेज को अगले शैक्षणिक वर्ष के लिए यूजी और पीजी पाठ्यक्रमों में किसी भी छात्र को दाखिला देने की अनुमति नहीं दी जाएगी।
- (iii) उल्लंघन की तीसरी घटना पर, दंत चिकित्सक अधिनियम, 1948 की धारा 16ए के तहत दोषी दंत



महाविद्यालय में संबद्ध विश्वविद्यालय द्वारा प्रदान की गई बीडीएस और एमडीएस डिग्री की मान्यता रद्द कर दी जाएगी।

8. उपरोक्त के साथ, मुझे आपसे अनुरोध करने का निदेश हुआ है कि डीपीआर की सिफारिशों को लागू करने के लिए आवश्यक कदम उठाएं और तदनुसार काउंसलिंग कार्यक्रम तैयार करें ताकि काउंसलिंग प्रक्रिया दाखिले की अंतिम तिथि से एक सप्ताह पहले पूर्ण हो जाए। साथ ही इस संबंध में की गई कार्रवाई की रिपोर्ट भी इस परिषद को भेजी जाए ताकि ये रिपोर्ट वर्तमान कोर्ट केस की अगली सुनवाई की तारीख पर माननीय उच्च न्यायालय के समक्ष प्रस्तुत की जा सके।

9. यह पत्र कार्यकारिणी समिति (12.03.2025) के अनुमोदन से जारी किया जा रहा है।

I am directed to say that the integrity of the admission process in dental colleges is crucial for maintaining the standards of dental education in India. However, there have been numerous reports of irregularities committed by some dental colleges every year in admitting students to Bachelor of Dental Surgery (BDS) and Master of Dental Surgery (MDS) courses. These irregularities often involve admitting students after the cutoff date and failing to submit necessary details and documents to the Dental Council of India (DCI) and the affiliating universities.

2. Further, It has also been noted that the students even after fulfilling all the eligibility criteria, selection criteria as prescribed in DCI Regulations and even after paying requisite fee to the competent authorities, gets the admission in a Dental College and prosecute his/her course in a proper and required manner but only because of non furnishing his/her details on DCI/University portal, the University or the Council does not permit the student to take up the examination and also does not take any action against the errant colleges, leading uncertainty and stress on the students regarding the validity of their admissions and due to delay in registration with the DCI, their career are also impacted. Besides, the reputations of the college involved in irregularities are also damaged. Moreover, DCI and the universities are also face administrative burden in identifying and addressing the irregularities.

3. In this regard, the DCI had faced several cases where the students admitted to the college after qualifying NEET, allotted by the concerned counseling authority within stipulated time period by paying requisite fee, but only because of college having not uploaded the details of the students on the portal of DCI or University, the DCI or University does not permit the students to continue their study and does not take any action against the college.

4. The Hon'ble High Court of Karnataka vide order dated 26.03.2024 passed in WP Nos. 24638, 24639 & 24750 of 2022 - Shaikh Razia & Ors. Vs RGUHS & Ors., has in order to – (i) Identify the common irregularities committed by dental colleges in the admission process so that they do not resort to this kind of actions by admitting students beyond the prescribed date of admission and or do not indulge in such practices which could put the life and liberty of such students and parents in danger (ii) Assess the impact of these irregularities on students, institutions, and regulatory bodies (iii) Provide recommendations for preventing such irregularities in the future (iv) Identify the problems in coordination between counseling authority and the affiliating university in allotment and approval of the students, directed to this Council to prepare the Detailed Project Report (DPR) which includes the methodology for - (i) Reviewing of regulatory guidelines by the Dental Council of India, counseling authorities and affiliating universities (ii) Analysis of documented cases of irregularities in dental college admissions (iii) Meeting with stakeholders including universities, college administrators, and regulatory officials (iv) Examination of penalty measures and their effectiveness and (v) Verification of students by counseling authorities and universities.

5. Accordingly, as per Order dated 26.03.2024 of the Hon'ble High Court of Karnataka, a DPR was prepared by the DCI which thereafter the same has been accepted by the Hon'ble High Court and directed to implement the same vide order dated 27.11.2024 (copy enclosed). Further, copy of the said DPR is also attached herewith for kind perusal and ready reference.

6. According to the recommendations made in DPR, the DCI is creating and developing a common web portal to strengthen the admission process of all BDS/ MDS students and to check and verify their credentials, eligibility etc. to avoid any ambiguity or lapses between the counseling authority and university, and the details of student admissions and their verification to be used by colleges, counseling authorities and affiliating universities so that the counselling process should be completed one week before the last date of admission. The process of creating and developing the web portal will take some time. As soon as this web portal is ready, it will be informed to all counseling authorities, affiliated universities and dental colleges/institutions.

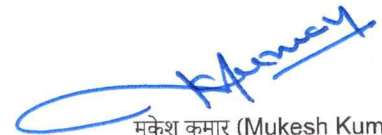
7. Moreover, **the Hon'ble Hon'ble High Court has accepted the penalty proceedings on violation of prescribed schedule of admitting students and uploading details on common web portal by the dental colleges, the following penalty shall be imposed to the dental colleges/institutions:-**

1. **On first instance of violation**, a penalty of four times of the total fee of the complete course per student shall be imposed on the dental college which shall be deposited to the concerned State Govt. within 15 days from the date of directions issued by the DCI and or University. Moreover, the number of admissions affected shall also be neutralized during the next academic year.
2. **On second instance of violation**, the erring dental college shall not be allowed to admit any student in UG and PG courses for the next academic year.
3. **On third instance of violation**, Section 16A of the Dentists Act, 1948 shall be attracted for de-recognition of BDS and MDS degree awarded by the affiliating university at the erring dental college.

8. With the above, I am directed to request you kindly to take necessary steps to implement the recommendations of the DPR and to prepare counselling schedule accordingly so that the counselling process should be completed one week before the last date of admission. As well as action taken report in this regard may also be sent to this Council for submission before the Hon'ble High Court on the next date of hearing of the instant court case.

9. This issues with the approval of the Executive Committee (12.03.2025).

भवदीय,



मुकेश कुमार (Mukesh Kumar)

उप सचिव

भारतीय दंत परिषद

Copy for information to:-

1. The Secretary to the Govt. of India, (via Email)  
Ministry of Health and Family welfare,  
Nirman Bhawan,  
Maulana Azad Road,  
New Delhi, Delhi - 110011.  
dentaedu-mohfw@gov.in

2. All Health Secretary of States. (via Email)



मुकेश कुमार (Mukesh Kumar)

उप सचिव

भारतीय दंत परिषद

संलग्नक: उपरोक्तानुसार



प्रतिलिपि:-

1. अध्यक्ष, भारतीय दंत परिषद, नई दिल्ली
2. Legal Section
3. Website/Server Section



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26<sup>TH</sup> DAY OF MARCH, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 24750 OF 2022 (EDN-RES)

**BETWEEN:**

DR ALSHA THANKAM GEORGE  
D/O M J GEORGEKUTTY,  
AGED 25 YEARS,  
PERMANENT ADDRESS AT  
MANGATTUMANNIL, CHENNEERKARA  
PATHANAMATHITTA,  
KERALA 689503,  
STUDENT OF KVG DENTAL COLLEGE AND HOSPITAL  
KURUNJIBAG SULIA,  
DAKSHINA KANNADA 574327.

(BY SRI. NISHANTH A V., ADVOCATE)

...PETITIONER

**AND:**

Digitally signed  
by  
NARAYANAPPA  
LAKSHMAMMA  
Location: HIGH  
COURT OF  
KARNATAKA

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR  
BENGALURU - 560041  
REP BY ITS VICE CHANCELLOR
2. THE REGISTRAR  
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK JAYANAGAR  
BENGALURU - 560041
3. KVG DENTAL COLLEGE & HOSPITAL  
KURANJIBAG SULIA  
DAKSHIN KANNADA-574327  
REPRESENTED BY ITS PRINCIPAL/DEAN
4. DENTAL COUNCIL OF INDIA





AIWAN-E-GALIB MARG  
TEMPLE LANE, KOTLA ROAD  
NEW DELHI-110002  
REP BY ITS SECRETARY  
(IMPLEADED AS PER COURT ORDER DATED 28.6.2023)

... RESPONDENTS

(BY SRI. SACHIN B S., ADVOCATE FOR R1 & R2;  
R3- SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE R1 UNIVERSITY TO ISSUE HALL TICKETS AND PERMIT THE PETITIONERS TO TAKE UP 1ST YEAR MDS(RS5) EXAMINATION OF DECEMBER 2022 AS PER THE TIME TABLE ISSUED BY THE RESPONDENT UNIVERSITY AT ANNEXURE-C AND TO APPROVE THE ADMISSION OF THE PETITIONERS TO THE MDS COURSE ADMITTED BY THE RESPONDENT INSTITUTION FOR THE ACADEMIC YEAR 2021.22 AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

1. The petitioner is before this Court seeking for the following reliefs:

- a. *Issue a writ in the nature of Mandamus directing the R1 University to issue Hall Tickets and permit the petitioners to take up 1<sup>st</sup> year MDS (RS5) examination of December 2022 as per the timetable issued by the respondent university at Annexure-H; and to approve the admission of the petitioner to the MDS course admitted by the respondent institution for the academic year 2021-22; and*
- b. *Issue such other relief's as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.*



2. The petitioner claims to be admitted to Masters of Dental Sciences 2021 [MDS course] with respondent No.3-college through the National Eligibility-cum-Entrance Test [NEET] process. The petitioner, having made payment of the due fees and having attended all classes conducted by the respondent college, it is stated that the University has not issued hall ticket to enable the petitioner to take up the MDS examination.
3. Learned counsel for respondent No.4- Dental Council of India would submit that the name of the petitioner had not been forwarded to the University for confirmation of admission and thereafter to the Dental Council of India to be enrolled on its rolls to enable issuance of hall ticket and as such the petitioner cannot be recognized to be a valid and bonafide student of the respondent college requiring issuance of hall ticket and permit the petitioner to take up the examination.





4. Learned counsel for the University substantiates the said submission by stating that the names of 97 students have been forwarded to the University, even though the petitioner was entitled to admit 100 [hundred] students, the admission details of the petitioner was not found in the said 97 students hence, the respondent-University has not admitted the petitioner on its rolls by approving the admission.
5. Heard Sri. Nishanth.A.V, learned counsel for the petitioner, Sri.Sachin.B.S, . learned counsel for respondents No.1 and 2. Perused papers.
6. Having heard learned counsels what can be seen is only that the petitioner seems to have acted in a proper manner she having succeeded in her NEET examination, she has made payment of due examination fee and has been promised by respondent No.3- college that she has been admitted to the said course and that she would be able to prosecute the said course in a proper and required manner.



7. There are several cases which have come up before this court as regards students being admitted to the college and the college having not uploaded the details of the students with the University and thereafter Dental Council or any council in charge of or supervising the said College for that particular course. In these kind of matters, the University or the Council does not permit the student to take up the examination but however, does not take any action against the college who had promised the student that the student had been admitted to the course and would be permitted to successfully prosecute the course to which the student is allegedly admitted.
8. It is in that background that this court normally interferes in the matter and permits the students to take up the examination and once student is permitted to take up examination and results are announced, everything is forgotten and life of the student and college goes on uninterruptedly.





9. It is high time the University as also the Council takes such action against the errant colleges so that they do not resort to this kind of actions by admitting students beyond the prescribed date of admission and or do not indulge in such practices which could put the life and liberty of such students and parents in danger.
10. Even in this case this court would interfere in the matter to permit the petitioner to take up the examination because the petitioner student cannot be left in a lurch after she having attended the college having satisfied all the requirements of NEET to be admitted in the said college.
11. In that background respondent No.2, as also respondent No.4 are directed to constitute a task force to enquire into the affairs of the college to ascertain as to how the petitioner was admitted into the college, when were payments received in what manner, the representations held out to the student and her family, identify the lapses on part of the



college and take such action against respondent No.3-college as is permissible under the Dentists Act, 1948, as also the applicable criminal enactments, so that this kind of menace by colleges are not perpetuated and interest of students are not put to risk.

**General Directions:**

12. The Dental Council to form a committee comprising of representatives from the council, some of the universities affiliated to it to prepare a detailed project report of the problems being faced by all the stakeholders and the methodology to resolve such problems. Towards this end the committee to consider:
13. The Council and the University to mandate that the website of each of the colleges have a link to the website of the council and the University, if there is any violation action to be taken under the Act.
14. The website of the Council to have a page indicating the aspects that the student has to ascertain before





enrolling with the college, like affiliation details, number of permissible in-take, number of students already enrolled, fees payable etc.,

15. The University to have separate websites for each of the colleges coming under its jurisdiction indicating all details of the college like affiliation, registration, period of validity, teaching and non teaching staff employed and their details, physical infrastructure available with details, number of students enrolled with their details etc.,.
16. The University to provide an online portal operational 24/7, 365 days to enable the college to upload the details of the student enrolled at the time of enrollment itself, without waiting for the enrollment of all students to be completed.
17. To credentialise all data so as to enable easy verification of the same by different stakeholders.
18. Such other aspects that the committee deems fit.
19. The committee to be formed within 3 weeks from today report to be submitted within 8 weeks of such



formation. The advocate for the Dental Council to report on the progress.

20. In that view of the matter, I pass the following:

**ORDER**

- i. The writ petition is allowed.
- ii. Mandamus is issued directing respondent No.1-University to approve the admission of the petitioner on to its rolls and issue documentation in relation thereto, as also to issue necessary hall ticket to the petitioner to take up her examination MDS examination.
- iii. Committee to be constituted on or before 19/04/2024.
- iv. Task force to be constituted on or before 19/04/2024.
- v. Enquiry report of the task force to be filed on or before 11/06/2024.





- vi. Detailed project report of the committee to be filed on or before 24/06/2024.
- vii. Though the above matter is disposed of, relist on 22/03/2024 to report on constitution of the committee and task force.

**Sd/-  
JUDGE**

LN  
List No.: 2 Sl No.: 23.1

**High Court of Karnataka- Principal Bench at Bengaluru****Daily Status**

Principal Bench at Bengaluru

In The Court Of :Honorable Judge

Case Number :WP/0024750/2022

Versus

Date : 27-11-2024

**Business**

: 1.Learned counsel for respondent No.3 submits that he has not received copy of the enquiry report. Learned counsel for respondent Nos.1 and 2 submits that the same would be provided within a week from now. 2.earned counsel for respondent No.3 submits that on receipt of the enquiry report, a reply would be issued to the show-cause notice. His submission is placed on record. 3.Time for replying to show-cause notice is extended for a period of two weeks from the date on which the enquiry report is furnished to respondent No.3.ORAL ORDER IN W.P.NO.24639/2022 4.A memo dated 27.08.2024 enclosing DPR constituted in furtherance of the order passed by this Court has been enclosed.5.The said DPR detailed out to recommendation made by the Committee for the DCI to implement. 6.earned counsel for the DCI submits that these recommendations have been accepted by the DCI and has issued necessary instructions to the respective universities.7.That being so, it is required for the DCI to implement the recommendations made, within a week in a time bound manner. 8.Eight weeks time is granted to the DCI to do the needful. Once the implementation is made, a report to be filed as regards the implementation of the recommendations. 9.Notices having been issued by the University to the concerned arrayed Colleges, it is for the University to take it to its logical conclusion after receiving a reply from the concerned colleges.10.Needless to say, if no reply is received, the University will be free to take action, considering that no replies have been received.11.Re-list on 30.01.2025.

Honorable Judge



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 26<sup>TH</sup> DAY OF MARCH, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 24639 OF 2022 (EDN-RES)**

**BETWEEN:**

1. MS SHAIK RAZIA  
D/O MR S KARIMULLA  
AGED 19 YEARS  
STUDYING BDS COURSE FROM  
A.E.C.S. MAARUTI COLLEGE OF DENTAL SCIENCES  
AND RESEARCH CENTRE BENGALURU  
PERMANENT R/O NO.8-1-83/1 SUMITHRANAGAR  
SIDDAVATAM MAIN ROAD  
BADVEL  
KADAPA DISTRICT  
ANDHRA PRADESH-516227.
2. MR RAYADURG TARONI ✓  
S/O R LAKSHMI NARAYANA  
AGED 20 YEARS  
STUDYING BDS COURSE FROM  
A.E.C.S. MAARUTI COLLEGE OF DENTAL SCIENCES  
AND RESEARCH CENTRE BENGALURU  
R/O NO.3/1/285 FORT  
RAYADURGA ANANTHPURA DISTRICT  
ANDHRA PRADESH-515865.
3. MS NAKULA PANITHA VALLI  
D/O MR NAKULA KRISHNA MURTHY  
AGE 20 YEARS  
STUDYING BDS COURSE FROM  
A.E.C.S. MAARUTI COLLEGE OF DENTAL SCIENCES  
AND RESEARCH CENTRE  
BENGALURU  
R/O SRINAGAR  
TIRUPATHI ROAD, PILER  
CHITTOOR DISTRICT  
ANDHRA PRADESH-517001.

Digitally signed  
by  
NARAYANAPPA  
LAKSHMAMMA  
Location: HIGH  
COURT OF  
KARNATAKA





4. MS THUMMAALASETTY MANVITHA VAGANTI  
D/O MR T SRIDHAR  
AGED 19 YEARS  
STUDYING BDS COURSE FROM  
A.E.C.S. MAARUTI COLLEGE OF DENTAL SCIENCES  
AND RESEARCH CENTRE  
BENGALURU  
R/O NO.6-62/7-6 H P ROAD  
KUPPAM  
CHITTOOR DISTRICT  
ANDHRA PRADESH-517001.

...PETITIONERS

(BY SRI. ABHISHEK MALIPATIL.,ADVOCATE)

**AND:**

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR  
BENGALURU - 560041  
REP BY ITS VICE CHANCELLOR
2. THE REGISTRAR  
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK JAYANAGAR  
BENGALURU - 560041
3. A.E.C.S. MAARUTI COLLEGE OF DENTAL SCIENCES  
AND RESEARCH CENTRE,  
NO. 108, HULIVAVU, TANK BUND ROAD,  
BTM, 6<sup>TH</sup> STAGE, 1<sup>ST</sup> PHASE,  
KAMMANAHALLI, OFF, BANNERBHATTA ROAD,  
BENGALURU-560076  
REP BY ITS PRINCIPAL/DEAN
4. DENTAL COUNCIL OF INDIA  
THROUGH ITS SECRETARY  
AIWAN-E-GALIB MARG  
TEMPLE LANE, KOTLA ROAD  
NEW DELHI-110002

... RESPONDENTS

(BY SRI. SACHIN B S.,ADVOCATE FOR R1 & R2;  
R3-AESCS MAARUTI COLLEGE OF DENTAL  
SCIENCES AND RESEARCH CENTRE R3-SERVED;



SRI. G.S. BHAT., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE R1 UNIVERSITY TO ISSUE HALL TICKETS AND PERMIT THE PETITIONERS TO TAKE UP 1ST YEAR BDS(RS3) EXAMINATION OF DECEMBER 2022 AS PER THE TIME TABLE ISSUED BY THE RESPONDENT UNIVERSITY AT ANNEXURE-G AND TO APPROVE THE ADMISSION OF THE PETITIONERS TO THE BDS COURSE ADMITTED BY THE RESPONDENT INSTITUTION FOR THE ACADEMIC YEAR 2021.22 AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

1. The petitioners are before this Court seeking for the following reliefs:
  - a. *Issue a writ in the nature of Mandamus directing the R1 University to issue Hall Tickets and permit the petitioners to take up 1<sup>st</sup> year BDS (RS3) examination of December 2022 as per the timetable issued by the respondent university at Annexure-H; and to approve the admission of the petitioner to the BDS course admitted by the respondent institution for the academic year 2021-22; and*
  - b. *Issue such other relief's as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.*
2. The petitioners having appeared in National Eligibility-cum-Entrance Test (UG-2021), declared as eligible for BDS seat, approached the respondent No.3-college for admission, respondent No.3-college



accepted their tuition fees, admission fees, etc. and admitted them to the college, as also issued necessary admission and ID cards. When the time came for the petitioners to take up their Ist year BDS examination formulated by the University, they were refused hall tickets on the ground that their admission has not been cleared by the University and in that background, the petitioners approached this Court. This Court vide interim order dated 7.08.2023 permitted the petitioners to take up the examinations for the year 2022-23. Now, once again, the petitioners are before this Court seeking permission to take up the examinations for the year 2024.

3. Learned counsel for the petitioners submits that the petitioners are innocent students who have been admitted to respondent No. 3 college. Respondent No.3- college, having received all the amounts from the petitioners, the petitioners rightly expected respondent No.3-college to comply with all the requirements of law and send the names to the





respondent-University for approval and it is on that basis that the petitioners continued to attend classes expecting to take up their examinations, complete their course in the given time and as such, he submits that the action on part of the petitioners cannot be found fault with and they are required to be permitted to take up examinations.

4. Learned counsel for respondent-University would submit that 39 names had been forwarded by the college to the University, out of which University has cleared 32 names. In the said 32 names, none of the names of the petitioners are found and as such the University has not cleared or approved the names of the petitioners for such admission.
5. Learned counsel for respondent No.4- Dental Council of India submits that when the college wrote to the University seeking for permission for the aforesaid students who are petitioners herein to take up their examination, the Dental Council of India vide its letter dated 8/12/2022 called upon the college to



attend personal hearing before the executive committee on 14/12/2022 along with all admission documents in respect of such students including the petitioners herein failing which the college authorities would be required to discharge such students and Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948 would be attracted.

6. On that basis, learned counsel for respondent NO.4 submits that the petitioners not having attended the personal hearing and no documents having been furnished, students have not been permitted to appear for the examination.
7. As mentioned, learned counsel for the petitioner submits that the college had issued letter dated 13.12.2022 stating that writ petition had been filed before this Court and as such, the Dental Council of India did not take any action.
8. Heard Sri.Abhishek Malipatil, learned counsel for the petitioner, Sri.Sachin.B.S, learned counsel for



respondents No.1 and 2 and Sri.G.S.Bhat, learned counsel for respondent No.4. Perused papers.

9. Taking up the last issue first as regards filing the writ petition, the college having written to the Dental council, a perusal thereof would indicate that college has written to the dental council about the students having filed W.P. No.24639/2022 which is the present petition, wherein college has been arraigned as respondent No.3. Shockingly despite the college being aware of filing of the writ petition and being served with notices has wantonly chosen not to be represented in the present matter which categorically indicates and establishes the cavalier manner in which the college abides by law and protects the interest of the students.
10. The college having wherewithal to write to the Dental Council of India and being aware of the writ petition filed by the students has purposely and wantonly chosen not to be represented in the present writ petition.





11. Insofar as the admission of the petitioners are concerned, the petitioners-students having made payment of necessary fees and complied with all the necessary documentation they having declared eligible by NEET, I cannot find fault with the actions taken by the students. Though learned counsel for respondent No.4 would submit that students were also aware of and are part of the modus operandi by the college who admit students beyond the time fixed and then file this kind of petition, be that as it may, the fact remains that the students have complied with all the requirements and their admission is also for the approved seats for the particular college inasmuch as respondent No.3- college has an approved intake capacity of 40 students, 32 students have been approved by the University, the petitioners being 4 (four) in number, if approved, would fall within the uptake of 40 students.



12. In that view of the matter, I am of the considered opinion that the petitioners-students cannot be denied their right to take up the examinations. However, the University, as also the Dental Council of India would have to take necessary action against the errant college like respondent No.3. Respondent No.4 having indicated that action would be taken against the college under Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948, the said correspondence by respondent No.4 has remained on paper and no action has been taken.
13. Section 10B of the Dentists (Amendment) Act, 1993 reads thus:

**10B. Non-recognition dental qualifications in certain cases.**

(1) Where any authority or institution is established for grant of recognized dental qualification except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution shall be a recognized dental qualification for the purposes of this Act.

(2) Where any authority or institution granting recognized dental qualification opens a new or higher course of study



or training including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of such study or training shall be a recognized dental qualification for the purposes of this Act.

(3) Where any authority or institution granting recognized dental qualification increases its admission capacity in any course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of the increase in its admission capacity shall be a recognized dental qualification for the purposes of this Act. Explanation- For the purposes of this section, the criteria for identifying a student who has been granted a dental qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

14. Section 16A of the Dentist Act, 1948 reads thus:

**16A. Withdrawal of recognition of recognised dental qualification.—**

(1) When, upon report by the Executive Committee or the Visitor, it appears to the Council—

(a) that the courses of study and training or the examination to be undergone in order to obtain a recognised dental qualification from any authority or institution in a State, or the conditions for admission to such courses or the standards of proficiency required from the candidates as such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

(b) that an institution does not, in the matter of staff, equipment, accommodation, training and other facilities, satisfy the requirements of the Council, the Council shall send a statement to that effect to the Central Government.





(2) After considering such a statement, the Central Government may send it to the Government of the State in which the authority exercises power or the institution is situated, and the State Government shall forward it, along with such remarks as it may think fit to make, to the authority or institution concerned, with an intimation of the period within which the authority or institution may submit its explanation to the State Government.

(3) After considering the explanation, or where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government.

(4) The Central Government may, after considering the recommendations of the State Government and after making such further inquiry, if any, as it may think fit, by notification in the Official Gazette, direct that an entry shall be made in Part I of the Schedule against the qualification granted by the authority or institution declaring that it shall be a recognised dental qualification only when granted before a specified date or that the said recognised dental qualification if granted to students of a specified college or institution affiliated to any University shall be a recognised dental qualification only when granted before a specified date or, as the case may be, that the said recognised dental qualification shall be a recognised dental qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.

15. Both the above provisions provide enough teeth for the Dental Council to take necessary action against the errant college who are riding rough shod on the life and future of the students. The manner in which the Dental Council has acted leaves much to be desired inasmuch as the Dental Council only seeks to



discharge the students of their admission thereby discharging the college of its liability, no action has been taken against the college. The council has not taken into consideration that if not for the college having admitted the students, received the fees, permitted the students to take up classes, students would have never done so.

16. The fault lying with the respondent No.3-college the Dental Council cannot condone the actions on part of the college by asking the college to discharge the students. It was for the Dental Council to initiate necessary action against the respondent No.3-college in terms of Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948, as the case may be after conducting due enquiry instead of showing its might against the poor students by ignoring the mighty college.
17. In that view of the matter, I am of the considered opinion that respondents No.1 and 4 would be required to constitute a committee to inquire into the



affairs of the college, ascertain the manner in which the students have been admitted and if there are any violations, to take stringent action against the respondent No.3-college under Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948, apart from any other proceedings that could be taken up under the general criminal law.

**General Directions:**

18. The Dental Council to form a committee comprising of representatives from the council, some of the universities affiliated to it to prepare a detailed project report of the problems being faced by all the stakeholders and the methodology to resolve such problems. Towards this end the committee to consider:
19. The Council and the University to mandate that the website of each of the colleges have a link to the





website of the council and the University, if there is any violation action to be taken under the Act.

20. The website of the Council to have a page indicating the aspects that the student has to ascertain before enrolling with the college, like affiliation details, number of permissible in-take, number of students already enrolled, fees payable etc.,
21. The University to have separate websites for each of the colleges coming under its jurisdiction indicating all details of the college like affiliation, registration, period of validity, teaching and non teaching staff employed and their details, physical infrastructure available with details, number of students enrolled with their details etc.,.
22. The University to provide an online portal operational 24/7, 365 days to enable the college to upload the details of the student enrolled at the time of enrollment itself, without waiting for the enrollment of all students to be completed.



23. To credentialise all data so as to enable easy verification of the same by different stakeholders.
24. Such other aspects that the committee deems fit.
25. The committee to be formed within 3 weeks from today report to be submitted within 8 weeks of such formation. The advocate for the Dental Council to report on the progress.
26. In that view of the matter, I pass the following:

ORDER

- i. The writ petition is allowed.
- ii. Mandamus is issued directing respondent No.1- University to approve and admit the petitioners-students on its rolls and issue hall tickets to the petitioners to take up their examinations and thereafter announce the result of the petitioners from time to time.
- iii. Committee to be constituted on or before 19/04/2024.



- iv. Task force to be constituted on or before 19/04/2024.
- v. Enquiry report of the task force to be filed on or before 11/06/2024.
- vi. Detailed project report of the committee to be filed on or before 24/06/2024.
- vii. Though the above matter is disposed of, relist on 22/04/2024 to report on constitution of the committee and task force.

**Sd/-  
JUDGE**

LN  
List No.: 2 Sl No.:23.2





NO: 2024:KHC:12569  
WP No. 24638 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26<sup>TH</sup> DAY OF MARCH, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 24638 OF 2022 (EDN-RES)

BETWEEN:

MS HASNA MALAK  
D/O MR. MUHAMMAD INAYATHULLA UMRI  
AGED 19 YEARS  
STUDYING BDS COURSE FROM  
M R AMBEDKAR MEDICAL COLLEGE  
AND HOSPITAL BENGALURU  
R/O NO.50, 2<sup>ND</sup> CROSS, LIC COLONY  
RAILWAY PARALLEL ROAD, PAMPANAGAR  
YESHWANTHPUR BENGALURU - 560022

...PETITIONER

(BY SRI. ABHISHEK MALIPATIL, ADVOCATE)

AND:

1. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR  
BENGALURU - 560041  
REP BY ITS VICE CHANCELLOR
2. THE REGISTRAR  
RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK JAYANAGAR  
BENGALURU - 560041
3. M R AMBEDKAR DENTAL COLLEGE AND HOSPITAL  
NO.1/36, CLINE ROAD, COOKE TOWN  
BENGALURU - 560005  
REP BY ITS PRINCIPAL/DEAN

...RESPONDENTS

4. DENTAL COUNCIL OF INDIA  
THROUGH ITS SECRETARY

Digitally signed  
by  
NARAYANAPPA  
LAKSHMAMMA  
Location: HIGH  
COURT OF  
KARNATAKA



AIWAN-E-GALIB MARG  
TEMPLE LANE, KOTLA ROAD  
NEW DELHI-110002

... PROPOSED RESPONDENT

(BY SRI. SACHIN B S., ADVOCATE FOR R1 & R2;  
R3-M.R.AMBEDKAR DENTAL COLLEGE &  
HOSPITAL;  
SRI. G.S. BHAT., ADVOCATE FOR PROPOSED R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE R1 UNIVERSITY TO ISSUE HALL TICKETS AND PERMIT THE PETITIONERS TO TAKE UP 1ST YEAR BDS(RS3) EXAMINATION OF DECEMBER 2022 AS PER THE TIME TABLE ISSUED BY THE RESPONDENT UNIVERSITY AT ANNEXURE-H AND TO APPROVE THE ADMISSION OF THE PETITIONERS TO THE BDS COURSE ADMITTED BY THE RESPONDENT INSTITUTION FOR THE ACADEMIC YEAR 2021.22 AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

1. The petitioner is before this Court seeking for the following reliefs:

- a. *Issue a writ in the nature of Mandamus directing the R1 University to Issue Hall Tickets and permit the petitioners to take up 1<sup>st</sup> year BDS (RS3) examination of December 2022 as per the timetable issued by the respondent university at Annexure-H; and to approve the admission of the petitioner to the BDS course admitted by the respondent institution for the academic year 2021-22; and*
- b. *Issue such other relief's as this Hon'ble Court deems fit in the facts and circumstances of the case, in the Interest of justice and equity.*



2. The petitioner having appeared in National Eligibility-cum-Entrance Test (UG-2021), declared as eligible for BDS seat, approached the respondent No.3-college for admission, respondent No.3-college accepted her tuition fees, admission fees, etc. and admitted her to the college, as also issued necessary admission and ID cards. When the time came for the petitioner to take up her 1st year BDS examination formulated by the University, she was refused hall ticket on the ground that her admission has not been cleared by the University and in that background, the petitioner approached this Court. This Court vide interim order dated 08.12.2022 permitted the petitioner to take up the examinations for the year 2022-23. Now, once again, the petitioner is before this Court seeking permission to take up the examinations for the year 2024.
3. Learned counsel for the petitioner submits that the petitioner is a innocent student who has been admitted to respondent No. 3 college. Respondent





No.3- college, having received all the amounts from the petitioner, the petitioner rightly expected respondent No.3-college to comply with all the requirements of law and send her name to the respondent-University for approval and it is on that basis that the petitioner continued to attend classes expecting to take up examinations, complete the course in the given time and as such, he submits that the action on part of the petitioner cannot be found fault with and petitioner is required to be permitted to take up examinations.

4. Learned counsel for respondent-University would submit that 69 names had been forwarded by the college to the University, out of which University has cleared 69 names. In the said 69 names, name of the petitioner is not found and as such the University has not cleared or approved the name of the petitioner for such admission.
5. Learned counsel for respondent No.4- Dental Council of India submits that when the college wrote to the



University seeking for permission for the aforesaid student who are petitioners herein to take up their examination, the Dental Council of India vide its letter dated 8/12/2022 called upon the college to attend personal hearing before the executive committee on 14/12/2022 along with all admission documents in respect of such students including the petitioners herein falling which the college authorities would be required to discharge such students and Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948 would be attracted.

6. On that basis, learned counsel for respondent No.4 submits that the petitioners not having attended the personal hearing and no documents having been furnished, student has not been permitted to appear for the examination.
7. As mentioned, learned counsel for the petitioner submits that the college had issued letter stating that writ petition had been filed before this Court and as



such, the Dental Council of India did not take any action.

8. Heard Sri.Abhishek Malipatil, learned counsel for the petitioner, Sri.Sachin.B.S, learned counsel for respondents No.1 and 2 and Sri.G.S.Bhat, learned counsel for respondent No.4. Perused papers.
9. Taking up the last issue first as regards filing the writ petition, the college having written to the Dental council, a perusal thereof would indicate that college has written to the dental council about the students having filed W.P. No.24638/2022 which is the present petition, wherein college has been arraigned as respondent No.3. Shockingly despite the college being aware of filing of the writ petition and being served with notices has wantonly chosen not to be represented in the present matter which categorically indicates and establishes the cavalier manner in which the college abides by law and protects the interest of the students.





10. The college having wherewithal to write to the Dental Council of India and being aware of the writ petition filed by the students has purposely and wantonly chosen not to be represented in the present writ petition.
11. Insofar as the admission of the petitioner is concerned, the petitioner-student having made payment of necessary fees and complied with all the necessary documentation, having declared eligible by NEET, I cannot find fault with the actions taken by the student. Though learned counsel for respondent No.4 would submit that student was also aware of and is part of the modus operandi by the college who admit students beyond the time fixed and then file this kind of petition, be that as it may, the fact remains that the student has complied with all the requirements and her admission is also for the approved seat for the particular college inasmuch as respondent No.3-college has an approved intake capacity of 100 students, 69 students have been



approved by the University, the admission of the petitioner, if approved, would fall within the uptake of 100 students.

12. In that view of the matter, I am of the considered opinion that the petitioner-student cannot be denied her right to take up the examinations. However, the University, as also the Dental Council of India would have to take necessary action against the errant college like respondent No.3. Respondent No.4 having indicated that action would be taken against the college under Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948, the said correspondence by respondent No.4 has remained on paper and no action has been taken.

13. Section 10B of the Dentists (Amendment) Act, 1993 reads thus:

**10B. Non-recognition dental qualifications in certain cases.**

(1) Where any authority or Institution is established for grant of recognized dental qualification except with the previous permission of the Central Government in



accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution shall be a recognized dental qualification for the purposes of this Act.

(2) Where any authority or institution granting recognized dental qualification opens a new or higher course of study or training including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of such study or training shall be a recognized dental qualification for the purposes of this Act.

(3) Where any authority or institution granting recognized dental qualification increases its admission capacity in any course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of the increase in its admission capacity shall be a recognized dental qualification for the purposes of this Act. Explanation- For the purposes of this section, the criteria for identifying a student who has been granted a dental qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

14. Section 16A of the Dentist Act, 1948 reads thus:

**16A. Withdrawal of recognition of recognised dental qualification.—**

(1) When, upon report by the Executive Committee or the Visitor, it appears to the Council—

(a) that the courses of study and training or the examination to be undergone in order to obtain a recognised dental qualification from any authority or institution in a State, or the conditions for admission to such courses or the standards of proficiency required from the candidates as such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or





(b) that an institution does not, in the matter of staff, equipment, accommodation, training and other facilities, satisfy the requirements of the Council, the Council shall send a statement to that effect to the Central Government.

(2) After considering such a statement, the Central Government may send it to the Government of the State in which the authority exercises power or the institution is situated, and the State Government shall forward it, along with such remarks as it may think fit to make, to the authority or institution concerned, with an intimation of the period within which the authority or institution may submit its explanation to the State Government.

(3) After considering the explanation, or where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government.

(4) The Central Government may, after considering the recommendations of the State Government and after making such further inquiry, if any, as it may think fit, by notification in the Official Gazette, direct that an entry shall be made in Part I of the Schedule against the qualification granted by the authority or institution declaring that it shall be a recognised dental qualification only when granted before a specified date or that the said recognised dental qualification if granted to students of a specified college or institution affiliated to any University shall be a recognised dental qualification only when granted before a specified date or, as the case may be, that the said recognised dental qualification shall be a recognised dental qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.

15. Both the above provisions provide enough teeth for the Dental Council to take necessary action against the errant college who are riding rough shod on the



life and future of the students. The manner in which the Dental Council has acted leaves much to be desired inasmuch as the Dental Council only seeks to discharge the students of their admission thereby discharging the college of its liability, no action has been taken against the college. The council has not taken into consideration that if not for the college having admitted the students, received the fees, permitted the students to take up classes, students would have never done so.

16. The fault lying with the respondent No.3-college the Dental Council cannot condone the actions on part of the college by asking the college to discharge the students. It was for the Dental Council to initiate necessary action against the respondent No.3-college in terms of Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948, as the case may be after conducting due enquiry instead of showing its might against the poor students by ignoring the mighty college.



17. In that view of the matter, I am of the considered opinion that respondents No.1 and 4 would be required to constitute a committee to inquire into the affairs of the college, ascertain the manner in which the students have been admitted and if there are any violations, to take stringent action against the respondent No.3-college under Section 10B of the Dentists (Amendment) Act, 1993 and Section 16A of the Dentist Act, 1948, apart from any other proceedings that could be taken up under the general criminal law.

**General Directions:**

18. The Dental Council to form a committee comprising of representatives from the council, some of the universities affiliated to it to prepare a detailed project report of the problems being faced by all the stakeholders and the methodology to resolve such





problems. Towards this end the committee to consider:

19. The Council and the University to mandate that the website of each of the colleges have a link to the website of the council and the University, if there is any violation action to be taken under the Act.
20. The website of the Council to have a page indicating the aspects that the student has to ascertain before enrolling with the college, like affiliation details, number of permissible in-take, number of students already enrolled, fees payable etc.,
21. The University to have separate websites for each of the colleges coming under its jurisdiction indicating all details of the college like affiliation, registration, period of validity, teaching and non teaching staff employed and their details, physical infrastructure available with details, number of students enrolled with their details etc.,.
22. The University to provide an online portal operational 24/7, 365 days to enable the college to upload the



details of the student enrolled at the time of enrollment itself, without waiting for the enrollment of all students to be completed.

23. To credentialise all data so as to enable easy verification of the same by different stakeholders.
24. Such other aspects that the committee deems fit.
25. The committee to be formed within 3 weeks from today report to be submitted within 8 weeks of such formation. The advocate for the Dental Council to report on the progress.
26. In that view of the matter, I pass the following:

ORDER

- i. The writ petition is allowed.
- ii. Mandamus is issued directing respondent No.1- University to approve and admit the petitioner-student on its rolls and issue hall ticket to the petitioner to take up her examination and thereafter announce the result of the petitioner from time to time.



- iii. Committee to be constituted on or before 19/04/2024.
- iv. Task force to be constituted on or before 19/04/2024.
- v. Enquiry report of the task force to be filed on or before 11/06/2024.
- vi. Detailed project report of the committee to be filed on or before 24/06/2024.
- vii. Though the above matter is disposed of, relist on 22/04/2024 to report on constitution of the committee and task force.

**Sd/-  
JUDGE**

LN  
List No.: 2 Sl No.: 23.1



**Revised Detailed Project Report on Irregularities Committed by Dental Colleges in Admitting Students in BDS or MDS Courses in compliance to orders dated 26.03.2024 passed by Hon'ble High Court of Karnataka at Bengaluru.**

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## **1. Introduction**

The integrity of the admission process in dental colleges is crucial for maintaining the standards of dental education in India. However, there have been numerous reports of irregularities committed by some dental colleges in admitting students to Bachelor of Dental Surgery (BDS) and Master of Dental Surgery (MDS) courses. These irregularities often involve admitting students after the cutoff date and failing to submit necessary details and documents to the Dental Council of India (DCI) and the affiliating universities. This report aims to investigate these irregularities, their impact, and propose recommendations to address these issues.

It has been noted that the students even after fulfilling all the eligibility criteria, selection criteria as prescribed in DCI Regulations and even after paying requisite fee to the competent authorities, gets the admission in a Dental College and prosecute his/her course in a proper and required manner, but only because of non furnishing his/her details on DCI/University portal, the University or the Council does not permit the student to take up the examination but however, does not take any action against the errant colleges.

## **2. Objectives**

- To identify the common irregularities committed by dental colleges in the admission process so that they do not resort to this kind of actions by admitting students beyond the prescribed date of admission and or do not indulge in such practices which could put the life and liberty of such students and parents in danger.
- To assess the impact of these irregularities on students, institutions, and regulatory bodies.
- To provide recommendations for preventing such irregularities in the future.
- To identify the problems in coordination between counseling authority and the affiliating university in allotment and approval of the students

## **3. Methodology**

The methodology for this report includes:

- Review of regulatory guidelines by the Dental Council of India (DCI), counseling authorities and affiliating universities.
- Analysis of documented cases of irregularities in dental college admissions.
- Meeting with stakeholders including universities, college administrators, and regulatory officials.
- Examination of penalty measures and their effectiveness.
- Verification of students by counseling authorities and universities

## **4. Findings**

### **Admission Irregularities**

- **Late Admissions:** Instances where colleges admit students after the official cutoff date set by the Government of India.
- **Direct Admissions:** Instances of colleges by passing centralized counseling processes to admit students directly.

### **Documentation Lapses**

- **Delayed Submission:** Colleges failing to upload student details on DCI portal and admission documents to the affiliating universities on time.

- **Incomplete Documentation:** Submission of incomplete or inaccurate student records, which hampers verification processes.
- **Forged Documents:** Cases of colleges submitting forged documents to meet regulatory requirements.

## 5. Impact of Irregularities

### On Students

- **Uncertainty and Stress:** Students admitted after the cutoff date often face uncertainty regarding the validity of their admissions.
- **Career Implications:** Potential delays in registration with the DCI and subsequent impact on their career progression.

### On Institutions

- **Reputation Damage:** Institutions involved in irregularities face reputational damage and loss of credibility.
- **Financial Penalties:** Regulatory bodies may impose financial penalties on defaulter colleges.

### On Regulatory Bodies

- **Administrative Burden:** Increased workload for DCI and universities in identifying and addressing irregularities.
- **Regulatory Challenges:** Difficulties in maintaining standardization and fairness in the admission process.

## 6. Case Studies

### Examples of Defaulter Colleges

**Case Study 1:** The dental colleges in Karnataka namely (1) KVG Dental College, Sullia, (2) Maaruti Dental College, Bangalore and (3) M.R. Ambedkar Dental College Bangalore admitted students in BDS / MDS Courses for the academic session 2021-22 without proper allotment by the counseling authority i.e. Karnataka Education Authority and such students were not enrolled by the Rajiv Gandhi University of Health Sciences which cased the students to appear in their university examinations.

### **Case Study 2: Daswani Dental College & Research Centre, Kota, Rajasthan**

- The college **admitted 16 MDS students** during the year 2017-2018 without allotment from the counseling authority of Rajasthan i.e. NEET PG (Medical/Dental) Board-2017.
- Hon'ble High Court of Rajasthan vide order dated 3.8.2022 directed that the college shall pay a sum of Rs. 10,00,000/- to each petitioners, as compensation, as the petitioners have suffered on account of false promise made to them to get admission in the college.
- Above 16 students were discharged from the college and all State Dental Councils/Tribunals were directed not to add their MDS qualification..

### **Case Study 3: Sathyabama Dental College**

- The college claimed one admission of Ms. Roshan Farhana S, in BDS Course for the year 2023-2024 after the cut of date of admission and had not uploaded her detail on DCI portal.
- The student was discharged from the college on direction of the DCI.



#### **Case Study 4: Babu Banarasi Das Dental College**

- The college claimed two admissions, namely, (i) Mr. Mohd. Salim and (ii) Ms. Simran, in BDS Course for the year 2021-2022 and had not uploaded their details on DCI portal.
- The college, even after giving reasonably opportunities, the college could not timely provide any verified substantial document which could support their claim towards the actual admission on or before 15.05.2022.
- Accordingly, the college was asked to discharge the above two students

#### **Case Study 5: Vyas Dental College**

- The college admitted 43 BDS students after the cut of date, however, the Hon'ble High Court of Rajasthan vide order dated 22.3.2023 has directed the Council to upload their names provisionally on DCI website subject to final outcome of the court case since these students were admitted after the cut of date.
- The college claimed another 07 students who were admitted within cut of date for which the college has furnished different dates of admission of each students and the fee receipt of the said 07 students bear the same Roll. Number.
- The college was asked to discharge all 07 students.

### **7. Recommendations**

#### **Strengthening Admission Processes**

- **Joint Allotment Systems:** The counseling authority and the affiliating university should jointly complete the process of the allotment of students to a dental college to check and verify their credentials, eligibility etc. to avoid any ambiguity or lapses between the counseling authority and university. The counselling process should be completed one week before the last date of admission.
- **Process of Verification/Certification/Confirmation of students admitted by Dental colleges:-**
  - (1). There shall be a common web portal, developed and maintained by DCI, for details of admissions and their verification to be used by colleges, counseling authorities and affiliating universities, which will be visible to the general public.
  - (2). The dental colleges, shall firstly, upload the details of eligible students admitted by them for the particular academic session, on DCI portal, by using their already allotted login credentials, strictly following Time Schedule fixed by the Hon'ble Supreme Court / DCI Regulations / Government Notifications. The web portal shall be disabled after the cutoff date of admission for dental colleges.
  - (3). The counseling authorities after logging on the same common web portal, shall verify / certify that the details of students admitted by the dental colleges and uploaded by them on common web portal, of their jurisdiction, have been allotted by them. The counseling authorities may be given seven days of time beyond cutoff date of admission as per Schedule for above verification/certification on DCI's web portal.

- (4). The affiliating universities after logging on the same common web portal, shall also confirm that the students admitted by the dental colleges and uploaded by them on common web portal, which are affiliated to their university, have been enrolled by them. The affiliating universities may also be given seven days of time beyond cutoff date of admission as per Schedule for confirmation of enrolment on DCI's web portal.
- (5). Once the details of students are verified/certified/confirmed by both counseling authority and concerned affiliating university, within stipulated period of seven days after cutoff date of admission, a Unique Identification Number shall be generated for admitted student which shall be used for his post graduation and further studies and the same unique number shall be registered and printed on their dental qualifications, registration certificates, etc. for tracking. The students verified by both counseling authority and concerned affiliating university shall only be considered as valid students.

In case of non verification of student by either of the above two authorities on DCI's web portal, or non uploading of details of admitted student by the college, the college shall be liable to discharge such student(s) immediately and penalty proceedings shall be initiated against the college. The DCI thereafter shall delete the details of such students from the web portal.

- In case the verification of a student is denied by either counseling authority or affiliating university on DCI's web portal or the college is unable to upload the details of admitted student on DCI's web portal, the college shall be liable to discharge such student(s) immediately and penalty proceedings shall be initiated against the college as per recommendations of this Committee. The DCI thereafter shall delete the details of such students from the web portal.
- In case of non verification of a valid student by counseling authority or University in stipulated period, the legal proceedings / contempt may be initiated by the college / affected student. The mandatory process of verification/certification/confirmation of students by the counseling authorities and universities shall only be on DCI's web portal and no other mode viz. by physical post or email shall be considered as valid method of verification/certification/confirmation.
- **Penalty Proceedings on violation of prescribed schedule of admitting students and uploading details on portal;**
  - **On first instance of violation**, a penalty of four times of the total fee of the complete course per student shall be imposed on the dental college which shall be deposited to the concerned State Govt. within 15 days from the date of directions issued by the DCI and or University. Moreover, the number of admissions affected shall also be neutralized during the next academic year.
  - **On second instance of violation**, the erring dental college shall not be allowed to admit any student in UG and PG courses for the next academic year.

- **On third instance of violation**, Section 16A of the Dentists Act, 1948 shall be attracted for de-recognition of BDS and MDS degree awarded by the affiliating university at the erring dental college.

The Members of the Task Force who are also the Members of the Committee recommended that the penalties as suggested above, may also be imposed on the erring dental colleges of the present case i.e. (1) KVG Dental College, Sullia, (2) Maaruti Dental College, Bangalore and (3) M.R. Ambedkar Dental College Bangalore.

**Note:** It was also discussed that in terms of the existing statutory frame work of DCI it is not possible for DCI to either punish the university or the counseling authority. Further, it is also not possible for DCI to impose fine at this stage. However, if the recommendations of the committee is incorporated and made part of the order or judgment passed by this Hon'ble Court then in such situation the DCI can always bring the erring college, universities and counseling authorities before this Hon'ble Court under the contempt jurisdiction

## **8. Conclusion**

Irregularities in the admission process of dental colleges undermine the credibility of dental education in India. By identifying and addressing these issues through stringent regulations, improved monitoring, and effective penalties, the quality and fairness of dental education can be ensured. Implementing the recommendations provided in this report will help in achieving more transparent and efficient admission process, benefiting students, institutions, and regulatory bodies alike.

## **9. References**

- Dental Council of India guidelines and regulations.
- University admission policies and procedures.
- Case studies and reports from regulatory body and university.
- Meeting with stakeholders.