

APHC010026162025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3328]

WEDNESDAY ,THE SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 1484 OF 2025

Between:

1.MUGADA JAYA SRUTHI, S/O LATE M. RAMA KRISHNA, AGED 28 YEARS. R/O 45-46-13/B, SRINIVASA NAGAR, AKKAYYAPALAM, VISAKHA PATNAM-530016.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS SECRETARY, HEALTH, MEDICAL AND FAMILY WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPURDI, GUNTUR DISTRICT.

2.N T R UNIVERSITY OF HEALTH SCIENCES, REP. BY ITS REGISTRAR. VIJAYAWADA, KRISHNA DISTRICT- AP

3.N T R UNIVERSITY OF HEALTH SCIENCES, REP. BY VICE-CHANCELLOR. VIJAYAWADA, KRISHNA DISTRICT - AP

4.AP STATE DENTAL COUNCIL APSDC, REP. BY ITS REGISTRAR. GOVT. DENTAL COLLEGE AND HOSPITAL, MACHAVARAM, VIJAYAWADA,520004. ANDHRA PRADESH.

5.AP STATE DENTAL COUNCIL APSDC, REP. BY ITS REGISTRAR. GOVT. DENTAL COLLEGE AND HOSPITAL, MACHAVARAM, VIJAYAWADA,520004. ANDHRA PRADESH.

6.ANIL NEERUKONDA INSTITUTE OF DENTAL SCIENCES, REP. BY ITS PRINCIPAL, SANGIVALASA, BHEEMUNIPATNAM,

VISAKHAPATNAM-531162, A.P.

7.DENTAL COUNCIL OF INDIA, REP. BY ITS DEPUTY SECRETARY
NATIONAL DENTAL COMMISSIONBUILDING, PLOT NO. 14,
SECTOR-14 R.K PURAM- NEW DELHI - 110 022

...RESPONDENT(S):

Counsel for the Petitioner:

1.TAGORE YADAV YARAGORLA

Counsel for the Respondent(S):

1.GP FOR MEDICAL HEALTH FW

2.BOMMANABOYENA SRINIVASA RAO

3.SURYA TEJA ANUMOLU

4.Tata Venkata Sridevi, Standing Counsel For Dr.NTR University of Health Sciences

The Court made the following ORAL ORDER:

Heard Sri Tagore Yadav Yaragorla, Learned Counsel for the Writ Petitioner, Smt. T.V. Sri Devi, learned Standing Counsel for Dr. NTR University of Health Sciences, Sri P. Soma Raju, learned Assistant Government Pleader for Medical & Health, Sri Surya Teja Anumolu, learned Standing Counsel for the Respondent No.7 and Sri B. Srinivasa Rao, learned Standing Counsel for Respondent No.5.

2. The prayer sought in the present Writ Petition is as under:

“It is prayed that this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the actions of the respondents in not allowing the petitioner to complete her graduation and declare that said regulation are not applicable to petitioner since the Petitioner had not exhausted the minimum 16

attempts in 9 years on account of health conditions as the same is illegal, arbitrary and in violation of Articles 14, 21 and 300 A of the Constitution of India and consequently direct the respondents to read out the rules for the purpose of attempting the exams and exempting from the health grounds and allow the petitioner to attend the classes and examination of remaining academic years and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. An Interim prayer was also sought, which is as under:

"It is further prayed that this Hon'ble Court may be pleased to direct the respondents to consider and permit the petitioner to pay the fee and appear for the examinations, pending disposal of the writ petition and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

4. Vide Order dated 11.02.2025, my predecessor has passed the following impugned Order:

"Subject to the outcome of the Writ Petition, the respondents are directed to permit the petitioner to pay fee, to appear for the 2nd year examination, to be received from the month of March, 2025."

5. Smt. T. V. Sridevi, Ld. Standing Counsel for Dr. NTR University of Health Sciences (Respondent No.2) submits that the University of Health Sciences had preferred a Writ Appeal against the said Interim Order dated: 11.02.2025; and that the Division Bench of this Hon'ble Court, having examined the Writ Appeal No.235 of 2025, was pleased to set aside the interim Order dated 11.02.2025. The relevant portion of the Order passed by the Division Bench dated 20.03.2025 is usefully extracted hereunder:

“ 6. Admittedly, the petitioner was unable to do so. Subsequently, the aforementioned Regulation was amended in the year 2015, which required a candidate to clear the entire course within a period of nine (9) years. Since the petitioner had been admitted in the B.D.S. Course in the year 2015, she was required to complete the course by 2023. However, it appears that there was a clarification issued by the Dental Council of India that insofar as the students who had been admitted to B.D.S. Course prior to 2015, they shall continue to be governed by the Regulations of 2007.

7. Be that as it may, it is the admitted case of the parties before us that the petitioner does not qualify as per the said regulations. Although learned counsel for the petitioner/respondent No.1 herein would urge that the petitioner was unable to clear her 1st year examination on account of some accident, on account of which the petitioner had remained bed ridden from 2015 to 2019, yet, in our opinion, that may not, in itself, be a justification to not apply the Regulations with its full rigor.

8. Be that as it may, the learned single Judge, by virtue of the impugned order, which is a non-speaking order, does not deal with the statutory procedure, much less the Regulations of 2007, and had directed the acceptance of fees from the petitioner with a view to enable her to appear in the 2nd year examination.

9. In our opinion, the direction runs contrary to the express mandate of the Regulation and therefore, unless and until a challenge is made to the Regulation in vogue, in our opinion, the order cannot be sustained.

10. Be that as it may, we set aside the order impugned and direct the Registry to post W.P.No.1484 of 2025 before the learned single Judge having the Roster on 27.03.2025. We

make it clear that it shall be open to the parties to raise all contentions before the learned single Judge, who will deal with the matter un-influenced by the observations made by us. In the meantime, pleadings be completed.

11. Accordingly, the Writ Appeal is allowed. No order as to costs.”

6. The facts in this case fall in a narrow compass that the Writ Petitioner herein is one of the Applicant for the EAMCET Examination-2015. Vide Notification dated 03.03.2015, the Writ Petitioner has submitted the Application for writing the Entrance Examination for Engineering, Agricultural and Medical Common Entrance Test (EAMCET) on 12.03.2015. The examination was conducted on 08.05.2015. It is stated in the Affidavit filed in support of the Writ Petition that the Dental Council of India (Respondent No.7) has issued 7th Amendment revising the B.D.S. Course Regulations, 2007 to the effect that; “Any student who does not clear his or her BDS Course in all the subjects within a period of 9 years, including one year Compulsory Rotatory paid Internship from the date of his or her admission shall be discharged from the course.” It is submitted that this amendment was brought about on 23.05.2015.

7. The Writ Petitioner has secured admission into B.D.S. Course under the ‘Management Quota’ in the Anil Neerukonda Institute of Dental Sciences (Respondent No.6-Dental College) in September-2015. Admittedly, the 7th

amendment, B.D.S. Course Regulations, 2007 is prior to the date of the admission of the Writ Petitioner.

8. It is stated in the Affidavit filed in support of the Writ Petition that in the month of June-2016, the Writ Petitioner met with an accident and took complete treatment in the Hospital and due to her prolong stay in the Hospital, the Writ Petitioner could not take professional examinations. In the year 2017, the Writ Petitioner could not write her professional examinations because of her financial issues. It is stated that in the month of January-2018, the Writ Petitioner has attended her first year professional exams upon being discharged from the Hospital. It is also stated that the Writ Petitioner could not clear her first year professional exams for the reasons which are solely attributable to her medical conditions. In the month of June-2018, the Writ Petitioner has made a second attempt in the first year professional examinations. In the month of October-2018, the Writ Petitioner lost her father and in the year 2019, the Writ Petitioner has suffered depression with suicidal tendencies, which is the reason for the Writ Petitioner not being able to cope-up with the rigor of the B.D.S. Course. It is stated that the Writ Petitioner has attended the professional exams in April-2021 and successfully cleared the first year professional examinations, in the results published in December-2021. The Writ Petitioner was promoted to second professional exams as per the applicable rules of Dental Council of India.

9. The Writ Petitioner, though had taken admission under the 'Management Quota', could not pay her fee and therefore, could not attend the examinations; that in the month of January-2023, the Writ Petitioner attended the first professional examination and cleared her first year. It is also stated that in the month of October-2023, the Writ Petitioner has attended the second year academic classes conducted for the academic year 2022-2023 and had cleared the internal examinations. It is also submitted that the Writ Petitioner had paid Rs.1,30,000/- in November-2023. It is not clear whether the amount of Rs.1,30,000/- is the arrears of fee and for which semester and during which academic year this fee was sought to be remitted. It is also not stated in the Affidavit whether this Writ Petitioner has made complete payment or a part payment by remitting Rs.1,30,000/- of fee.

10. It is stated in the Affidavit that the Writ Petitioner was not allowed to pay the examination fee and consequently the Writ Petitioner was not allowed to attend the examinations. On the request made by the Writ Petitioner to permit her to appear in the examinations, the Registrar of the Respondent No.2 University has addressed an *email* to the Dental Council of India (Respondent No.7) on 04.11.2023.

11. The Dental Council of India (Respondent No.7) had addressed a Letter to the Respondent No.2 University to the effect that the Writ Petitioner is not eligible for the 2nd year B.D.S examinations as per the Dental Council of India Regulations, 2015, which stipulates that the student of B.D.S shall complete

the entire course within nine (09) years from the date of admission. The period of nine (09) years includes eight (08) years of study course and one year of clinical course. The Writ Petitioner has once again submitted a request to the 2nd respondent on 04.12.2023 through the Respondent No.6-College to re-consider the decision. The Respondent No.2 has once again sent an *e mail* to the Respondent No.7. Another Letter was also submitted on 05.03.2024 to the Dental Council of India and it has been once again reiterated by the Dental Council of India that the Writ Petitioner cannot be permitted to pursue her B.D.S. Course.

12. Having been aggrieved by the rejection by the Respondent No.2 as well as the Respondent No.7 in allowing the Writ Petitioner to continue and complete her B.D.S. Course, the Present Writ Petition is filed.

SUBMISSIONS OF THE LD. COUNSEL FOR THE WRIT PETITIONER:

13. Sri Y. Tagore Yadav, Ld. Counsel for the Writ Petitioner has made two fold submissions. He would submit that as on the date of the EAMCET Notification i.e., on 03.03.2015, the B.D.S. Regulations, 2007 were in effect that stipulates that the B.D.S student shall complete the first year B.D.S course in a period three years so as to be eligible for such student to continue the course further. He would submit that the 7th Amendment to the B.D.S Course Examination Regulations, 2007 was amended by the Respondent No.7 on 23.05.2015 i.e., after commencement of the admission process through the medium of EAMCET and it shall have prospective effect from that

date only. He would contend that when once the Writ Petitioner has submitted the Application on 12.03.2015, in response to the EAMCET examination Notification 2015-2016, the amendment to the B.D.S Course Regulations-2007 on 23.05.2015, prescribing a total period of nine (09) years for completion of B.D.S Course, ought not to have been applied for the B.D.S Course that commenced in the month of September-2015. He would submit that it is inappropriate on the part of the Respondent No.7, who have changed the Rules of the game after the commencement of the examination process for the academic year 2015-2016.

14. It is a matter of fact that the Writ Petitioner did not complete the first year B.D.S. Course within a period of three (03) years that was prescribed under the B.D.S. Course Regulations, 2007. Admittedly, the Writ Petitioner could neither complete the first year of the B.D.S Course within the first three years from the date of admission (as per the B.D.S Course Regulations, 2007) nor has the Writ Petitioner completed the B.D.S Course within a period of nine (09) years by application of the amendment that was came into effect from 18.05.2015.

SUBMISIONS OF THE LD. COUNSEL FOR THE RESPONDENTS:

15. Smt. T.V. Sri Devi, Ld. Standing Counsel for the Respondent Nos.2 and 3 would stoutly contest that the Dental Council of India did not permit the Writ Petitioner to complete the course beyond nine (09) years since the Writ

Petitioner has taken admission during the academic year 2015-2016, and therefore, she ought to have completed the course within the scheduled time.

16. Sri Surya Teja, Ld. Standing Counsel appearing on behalf of Dental Council of India (Respondent No.7) would vehemently oppose this Writ Petition. He would submit that, it cannot be said that the Writ Petitioner is prejudiced by the B.D.S Course Regulations, 2015 inasmuch as the Regulations were brought into force from 23.05.2015, whereas, the Writ Petitioner took admission in the month of September-2015. He would submit that the Writ Petitioner is well aware of the Regulations that came into effect from 23.05.2015 which is well before the date of the admission of the Writ Petitioner into B.D.S Course. He would also submit that even assuming for a moment, without admitting, that the B.D.S Course Regulations, 2007 would apply, in the case of the Writ Petitioner, then also, the Writ Petitioner has failed to comply the said Rules inasmuch as the Writ Petitioner ought to have completed the 1st year of the B.D.S Course within three years, from the date of securing admission.

17. Ld. Counsel for the Respondents would submit that the reasons indicated by the Writ Petitioner for her inability to appear and pass the first year examinations within three years are untenable. It is submitted that the Writ Petitioner, except stating that she has suffered a fracture and has been hospitalized for three long years, the same has not been justified by any documentary evidence.

18. Having regard to the above facts, the following issues arise for consideration:

(i) *Whether there is any material on record to justify the inability of the Writ Petitioner in completing the first year B.D.S. Course within three years from the date of admission or within nine (09) years in completing the entire course from the date of admission?*

(ii) *Whether the reasons indicated by the Writ Petitioner for inability to complete the first year B.D.S. Course within three years or completion of the entire Course within nine (09) years is tenable or not?*

(iii) *To what relief?*

19. **ISSUE No.1:**

Whether there is any material on record to justify the inability of the Writ Petitioner in completing the first year B.D.S. Course within three years from the date of admission or within nine (09) years in completing the entire course from the date of admission?

After the Interim Order that was passed by my predecessor was set aside by the Division Bench on 20.03.2025 in Writ Appeal No.235 of 2025, this matter was listed before me on 11.03.2025, 25.03.2025, 27.03.2025 and 28.03.2025. The hearing had commenced on 27.03.2025 and was posted to the next date for further hearing. On 25.03.2025 and 27.03.2025, this Court,

after having partly heard the matter, posed pertinent questions to the Ld. Counsel for the Writ Petitioner as to what material has been placed on record to factually evidence that the Writ Petitioner was hospitalized for three long years. It was pointed out by this Court to the Ld. Counsel for the Writ Petitioner that except stating that the Writ Petitioner had suffered a tibial fracture, no reasons were given nor has any material been placed on record to clinchingly prove that the inability of the Writ Petitioner in attending to the Course was occasioned by reasons that were beyond the control of the Writ Petitioner. It was also indicated to the Ld. Counsel for the Writ Petitioner that a tibial fracture should not take more than three months to heal in the ordinary course and therefore, the inability to complete the first year B.D.S. Course within the first three years or the inability to complete the entire B.D.S. Course, including the internship, within nine (09) years cannot be justified on that ground.

20. The Writ Petitioner suffered tibial fracture in the month of June-2016 and the Writ Petitioner has lost her father in the month of October-2018. Not a scrap of paper has been placed on record to indicate the nature of treatment that the Writ Petitioner has undergone from 2015 to 2018 or even beyond that period. The Hospital Records have also been not furnished to clinchingly establish that the Writ Petitioner was hospitalized and has been in an immovable condition for a very prolonged period.

21. Due to the pertinent queries put forth by this Court, Ld. Counsel for the Writ Petitioner has filed a Memo on 28.03.2025 which is a photograph of X-ray showing tibial fracture to the Writ Petitioner on 07.05.2016. Except the single piece of X-ray, nothing else has been placed on record to indicate that the Writ Petitioner has been hospitalized for prolonged period which is at least for more than two years.

22. Even before considering the fact that whether the B.D.S. Course Regulations, 2007 would apply or whether B.D.S. Course Regulations, 2015 would apply, this Court is rather constrained to observe that the Writ Petitioner is unable to show through the documentary evidence that the Writ Petitioner was hospitalized or has become immobile for prolonged period i.e., more than two to three years, which is the sole cause for non-completion of the B.D.S. course.

23. **ISSUE No.2:**

(ii) Whether the reasons indicated by the Writ Petitioner for inability to complete the first year B.D.S. Course within three years or completion of the entire Course within nine (09) years is tenable or not?

The Rules and the Regulations as well as the statute are meant to operate in the society. There can be extreme and unexpected human circumstances, which a regulation would not have contemplated. There may be unusual human circumstances, which cannot be countenanced by the statute in such a pin- pointed manner. Although, the Writ Courts have got the

power to consider such extreme and unexpected human situations and circumstances that may not have been countenanced by a statute, the first requirement which the litigant will have to put forth is the documentary proof, which sufficiently clinches the issues so as to enable the Court to take a humanitarian view in an extraordinary circumstance. Whereas, in the present case, as stated earlier, the Writ Petitioner has not filed even a scrap of paper, even after this Court has raised pertinent questions about the hospital records and other things during the earlier hearings. The only material that is placed on record at the time of filing of the Writ Petition is the Certificate issued by Dr. K. Prasanna Kumar, MBBS, DPM, tutor in psychiatry, Government Medical College, in the name and style of Bindu Clinic, Visakhapatnam. This certificate is issued on 12.10.2021 stating that the Writ Petitioner has been suffering from mood disorder, depression and “she was given treatment as out-patient from 03.01.2019 to 30.08.2019.” It is also stated that the Writ Petitioner has developed relapse of the same situation and was again treated from 05.06.2021 to 12.10.2021. It is also stated that the Writ Petitioner is free from such symptoms, after 12.10.2023. This Court is constrained to take note of the fact that Dr. Prasanna Kumar, while working as tutor in psychiatry, Government Medical College/Government General Hospital, Srikakulam has issued a Certificate under the name and style of Bindu clinic in Visakhapatnam. However, this document alone is insufficient to hold in favour of the Writ Petitioner, even if the Writ Petitioner had suffered from disorder or depression.

24. In any case, no material has been placed on record from June-2016 up to 03.01.2019 and 12.10.2021 and thereafter, till the time that the Writ Petitioner has approached this Court. In this view of the matter, this Court would not hesitate to hold that the reasons which are projected by the Writ Petitioner for her inability to either to complete the first year B.D.S. course within three years from the date of admission or to complete the entire course within nine years of the admission are untenable. Hence, this Court holds that the Writ Petitioner has miserably failed to justify with sufficient documentary material justifying the reasons for her inability to complete her course as indicated.

25. **ISSUE NO.3:** -

To what relief

In this view of the matter, this Writ Petition is dismissed as being devoid of any merit. No order as to costs.

Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt.02.04.2025

Note: LR to be marked.

B/o. Mnr

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No.1484 OF 2025

Dt.02.04.2025

Note: LR to be marked.

B/o. Mnr