

ITEM NO.51

COURT NO.2

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 9910/2015

(Arising out of impugned final judgment and order dated 06/01/2015 in WA No. 1711/2014 passed by the High Court Of Kerala At Ernakulam)

DENTAL COUNCIL OF INDIA

Petitioner(s)

VERSUS

MUSLIM EDUCATION SOCIETY & ORS.

Respondent(s)

(with interim relief and office report)

WITH SLP(C) No. 15806/2015

(With appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

Date: 07/07/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Gaurav Sharma,Adv.
Mr. Prateek Bhatia,Adv.
Ms. Amandeep Kaur,Adv.

For Respondent(s) Mr. E. M. S. Anam,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard.

SLP(C) No.9910 of 2015:

When this matter initially came up for hearing before us on 15th May, 2015 it was pointed out by learned counsel for the petitioner-Dental Council of India that out of eight disciplines in which the respondents-Society had applied for permission to start post-graduate courses, the Dental Council of India has upon evaluation of the infrastructure and other facilities available in the college recommended grant of approval/sanction of MDS courses in three different

disciplines/courses, namely, (1) Oral Pathology, Microbiology and Forensic Odontology; (2) Conservative, Endodontics and Aesthetic dentistry; and (3) Prosthodontics, Crown Bridge, Aesthetic Dentistry and Oral Implantology. It was further submitted that insofar as the remaining five courses which the respondent-Society proposed to start were concerned, the Inspectors deputed by the Dental Council and the Council had upon evaluation found that the college did not have the requisite infrastructure, faculty and other facilities to justify grant of permission to them. We had in that view directed the competent authority to consider and pass appropriate orders on the recommendation made to it insofar as the three disciplines, mentioned earlier, were concerned.

We are today told by learned counsel for the parties that the Central Government, which is the competent authority in the matter, has upon consideration of the recommendations made by the Dental Council of India granted approval to the start of three courses, mentioned above in terms of its Order dated 19th June, 2015. We are also informed by learned counsel for the petitioner-Dental Council of India that prayer for starting of remaining courses stands declined in the light of the deficiencies reported by the Inspectors.

Learned counsel for the respondent-Society, on the other hand, points out that a fresh application for permission in regard to the remaining courses has already been filed before the Central Government which is under process. It is also submitted that the refusal of the Dental Council of India to permit/recommend start of the remaining five courses has not been separately challenged by the respondents-Society. In that view, therefore, nothing really survives for consideration in the present special leave petition which is in the light of the above subsequent developments disposed of leaving the question of law raised in the special leave petition open. No costs.

S.L.P.(C)No.15806 of 2015:

In the light of the order passed by us in the connected S.L.P.(C)No.9910 of 2015, this special leave petition is also disposed of leaving the question of law open. No costs.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER