

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 (Civil) No.16633/2000

(From the judgement and order dated 24/01/2000 in WP 317/2000
of The HIGH COURT OF Allahabad at Lucknow)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

CHAUDHARY MULTAN SINGH

Respondent (s)

(With Appln(s). for exemption from filing O.T. & with prayer for
interim relief)

(For Final Disposal)

Date : 12/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Subodh Markandeya, Sr. Adv.
Ms. Feroze Bano, Adv. for
Ms. Chitra Markandaya, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following
O R D E R

...L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard learned counsel for the petitioner.

In our view this petition would not survive because (a)
at present the respondent - Dental College, Tundla is not at all
functioning as stated by learned counsel for the petitioner, (b)
by our order dated 23rd April, 2001, we had stayed the operation
of the impugned order; and (c) Dental Council of India has by
order dated 19th June, 2000 refused to allot students to the said
College.

...2/-

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However, we make it clear that the following observations
made by the High Court are against the statutory provisions,
namely, Dentists Act, 1948 and the Regulations framed thereunder
and are not required to be given any effect:

.....L.....T.....T.....T.....T.....T.....T.....J
.SP1

"We are of the view that as the petitioner was

given permission by the Central Government to start the courses for the year 1998-99, the Central Government ought to have allowed the institution to continue with the permission once granted by the Central Government, according to the Section 10A(4) of the Dentists Act, 1948 and it would be a sufficient compliance in view of the Section 1CA(5) of the Dentists Act as well."

...L.....I....T.....T.....T.....T.....T.....T.....T.....J
.SP2

We also make it clear that further directions given by the High Court to the Chancellor for grant of affiliation would also not survive.

With these directions petition stands disposed of.

.SP1

(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master