

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF SEPTEMBER 2023

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO. 20558/2023 [EDN-REG-P]

PETITIONER:

FAROOQIA DENTAL COLLEGE & HOSPITAL,
UMAR KHAYAM ROAD, EIDGAH,
TILAK NAGAR, MYSORE -570 001,
REPRESENTED BY ITS PRINCIPAL
DR. SANJAY MURGOD
S/O A.B. MURGOD,
AGED: 53 YEARS.

BY SRI. L.M. CHIDANANDAYYA, ADV...,

V/S

RESPONDENTS:

1. GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HEALTH & FAMILY
WELFARE (DENTAL EDUCATION SECTION
NIRMAN BHAWAN, NEW DELHI -110 001.

2. DENTAL COUNCIL OF INDIA,
REPRESENTED BY ITS SECRETARY.
AIWAN-E-GHALIB MARG,
KOTLA ROAD, NEW DELHI -110 002.

3. STATE OF KARNATAKA,
REPRESENTED BY ITS ADDITIONAL
CHIEF SECRETARY,
DEPARTMENT OF HEALTH & FAMILY WELFARE,
ROOM NO.104, 1ST FLOOR,
VIKAS SOUDHA, BENGALURU -560 001.

4. RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES,
REPRESENTED BY ITS REGISTRAR,
4TH 'T' BLOCK, JAYANAGAR,
BENGALURU - 560 041.



5. THE DIRECTOR OF MEDICAL
EDUCATION - KARNATAKA,
ANAND RAO CIRCLE,
BENGALURU -560 009.

6. KARNATAKA EXAMINATIONS AUTHORITY,
REPRESENTED BY ITS EXECUTIVE DIRECTOR,
18TH CROSS ROAD, SAMPIGE ROAD,
MALLESWARAM, BENGALURU-560 012.

ASG FOR R1.

SRI. YOGESH D. NAIK ADV FOR R2.

GA FOR R3 & R5.

SMT. FARAH FATHIMA ADV FOR R4.

SRI. N.K. RAMESH ADV FOR R6.

Whereas, a Writ Petition filed by the above named petitioner under Article 226 & 227 of the constitution of India, has been registered by this Court.

After hearing, the Court made the following:

(VIDEO CONFERENCING)

ORDER

(COPY OF THE ORDER DATED 13.09.2023 IS ENCLOSED
SEPARATELY)

NOTE: Annexure -A to the writ petition is the copy of the communication letter dated 29.08.2023 bearing No.V.12067/48A/2023-DE passed by the 1st respondent.

NOTE: Annexure -B to the writ petition is the copy of the communication dated 31.08.2023 bearing No.DCI/ACAD/BDS/CLG/PERIODIC/177/2023-24/2023/3727 passed by the 2ND respondent.

PD 13.09.2023



8/13/23
(S.R. JAYASHREE)
ASSISTANT REGISTRAR

CP
13/09/23

13/09/23

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

**[FAROOQIA DENAL COLLEGE AND HOSPITAL VS.
GOVERNMENT OF INDIA AND OTHERS]**

ASKJ

13.09.2023

(VIDEO CONFERENCING)

ORDER

Learned ASG accepts notice for respondent No.1.

Sri Yogesh D.Naik, learned counsel accepts notice for
respondent No.2.

Learned Government Advocate accepts notice for
respondent Nos.3 and 5.

Smt. Farah Fathima, learned counsel accepts notice for
respondent No.4.

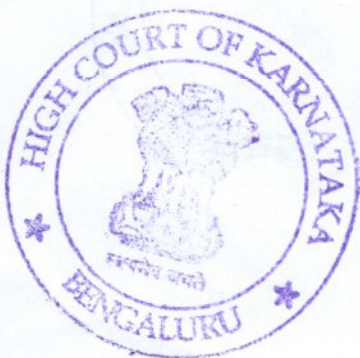
Sri N.K.Ramesh, learned counsel accepts notice for
respondent No.6.

Heard the learned counsel for the petitioner.

Perused the records.



The petitioner applied for permission to admit the students for the academic year 2023-24. Pursuant to the application submitted by the petitioner, respondent No.2 inspected the petitioner - College and pointed out that there is deficiency of equipments viz. Mobile Dental Van-1, Circular saw is shared with Endodontics vide report dated 10.06.2022. Pursuant to the deficiency pointed by the inspector of respondent No.2, the petitioner vide communication dated 21.06.2022 informed respondent No.2 that the petitioner has complied the deficiency pointed by the inspector vide Annexure-F. The petitioner has produced the communication vide Annexure-G and also produced the invoice for having purchased the circular saw and further, respondent No.2 on the basis of inspection conducted in a different colleges vide Annexure-H and respondent No.1 issued a notice vide Annexure-J dated 06.04.2023. It is stated that respondent No.2 has recommended to respondent No.1 to disapprove the scheme or application of the petitioner - College for the academic year 2023-24, on the basis of the report vide Annexure-H. The petitioner has submitted a letter dated 25.04.2023 vide Annexure-M stating that the inspection report vide Annexure-H does not pertain to the petitioner - College.



Respondent No.1 without considering the compliance submitted by the petitioner has passed the order vide Annexure-A. From the perusal of the impugned order, it is clear that respondent No.2 on the basis of inspection report vide Annexure-H pertains to other colleges, has passed this impugned order. Hence, the matter requires consideration. Accordingly, the petitioner has made out a *prima-facie* case for grant of an interim order. There shall be stay of Annexures A and B, till the next date of hearing.

The interim order shall be subject to outcome of the writ petition.

However, the petitioner shall web-host the pendency of the instant writ petition on their web-site and shall take an undertaking from the students that in case if the writ petition fails, they will not claim any equity.

In the meanwhile, the petitioner is permitted to comply with the office objections.

Sd/-
JUDGE

ssb
List No.: 2 Sl No.: 1

COPY
8/13/19/23
Assistant Registrar
High Court of Karnataka
Bengaluru - 560 001

es
13/09/23

13/9/23

