

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**FRIDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 34643 OF 2024

Between:

Arshiya Fathima, D/o. Syed Mir Shoukat Ali, and W/o. Mir Mubashir Ahmed Ali, aged about 27 years, Occ. Student, R/o. H.No. 9-17-97, Hashmi Colony, Nizamabad, Andhra Pradesh, 503001, Presently R/o. 19-3-543/23, Near Akbar Function Hall, GhaziBanda, Charminar, District - Hyderabad, 500053.

...PETITIONER

AND

1. Meghna Institute of Dental Sciences, Represented by its Registrar, (Managed by . VELS EDUCATION SOCIETY) Permitted by Govt. of India, Ministry of Health and F.W. (DE Section and DCI, New Delhi) (Affiliated to K.N.R.University of Health Sciences, Warangal), Vemi Road, Mallaram VIII, Nizamabad - 503003, Telanagana, India.
2. Kaloji Narayana Rao University of Health Sciences, Represented by its Registrar, Nizampur, Warangal, Telanagana – 506007.
3. Dental Council of India, Represented by its Registrar, National Dental Commission Building, Plot No. 14, Sector - 9, R.K.Puram, New Delhi - 110022, India.
4. The Telangana State Dental Council, Represented by its Registrar, 2nd Floor, RHFWTC Building, Directorate of Medical and Health Services Campus, Opposite Womens College, Koti, Hyderabad - 500095.
5. The Telangana State Directorate of Medical Education, Represented by its Secretary, Koti, Sultanbazar, Hyderabad.

6. The State of Telangana, Represented by its Principal Secretary, Health, Medical, Family Welfare Department, Dr. B.R. Ambedkar Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order, or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the actions of Respondent No.1 (MIDS) and the inaction of Respondent No.2 (KNRUHS) in barring the Petitioner from appearing for final-year examinations and completing her internship as illegal, arbitrary, and violative of Articles 14, 19, and 21 of the Constitution of India. It is further prayed that this Honorable Court direct Respondent Nos.1 and 2 to permit the Petitioner to appear for the January 2025 final-year examinations and complete her Compulsory Rotatory Internship as per DCI regulations, along with suitable adjustments to the internship schedule to ensure completion before the expiry of the nine-year window. The Petitioner also prays for an investigation into administrative and financial malpractices by Respondent No.1 and directives to Respondent No.3 (DCI) to enforce compliance with its regulations across affiliated institutions. By way of interim relief, the Petitioner prays for immediate permission to appear for the January 2025 examinations and expedited scheduling of internship postings. The Petitioner humbly seeks any other order or directions that this Honorable Court may deem fit and proper in the interest of justice.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent No.1 and Respondent No.2 to. *Allow the Petitioner to appear for the upcoming examinations in January 2025 without undue restrictions by quashing Respondent 2s letter for cancellation of Petitioners studentship. *Allow the Petitioner sufficient time and an appropriate schedule to complete her internship before the lapse of the nine-year period as per the DCI regulations, by expediting or facilitating a compressed structure for the following postings. .Oral Medicine and Radiology - 1 month. .Oral and Maxillofacial Surgery - 1 1/2 months. .Prosthodontics - 1 1/2 months. .Periodontics - 1 month. .Conservative

Dentistry - 1 month. .Pedodontics - 1 month. .Oral Pathology and Microbiology 15 days. .Orthodontics - 1 month. .Community Dentistry/Rural Services - 3 months. .Elective - 15 days.

Counsel for the Petitioner : SRI SYEDA ARSHIYA MAHJABEEN

Counsel for the Respondent No.1 : --

**Counsel for the Respondent No.2 : SRI T.SHARATH,
SC FOR KNRUHS**

**Counsel for the Respondent No.3 : SRI KULDEEP JADHAV
for SRI S.ABHAYA KUMAR SAGAR**

Counsel for the Respondent No.4 : --

Counsel for the Respondent No.5&6 : GP FOR MEDICAL, HEALTH & FW

The Court made the following: ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT PETITION No. 34643 of 2024

ORDER: (per the Hon'ble the Chief Justice Alok Aradhe)

Ms. Syeda Arshiya Mahjabeen, learned counsel appears for the petitioner.

Mr. T. Sharath, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appears for respondent No.2.

Mr. Kuldeep Jadhav, learned counsel appears for Mr. S. Abhay Kumar Sagar, learned counsel for respondent No.3.

2. With the consent of the learned counsel for the parties, the petition is heard finally.

3. The petitioner in this Writ Petition has assailed the validity of the order dated 28.10.2024 passed by the respondent University by which application submitted by the petitioner seeking re-admission to BDS Course has been rejected. The petitioner in addition seeks a direction to the

University to permit her to appear for BDS examination which is scheduled to be held in the month of January, 2025.

4. Facts giving rise to filing of this petition briefly stated are that the petitioner is a daughter of an ex-serviceman. She was admitted to BDS Course in the year 2016 in Meghna Institute of Dental Sciences, Nizamabad. The petitioner appeared in the First Year examination of BDS Course in the month of November, 2017, and cleared all the subjects. Thereafter, the petitioner appeared in the Second Year examination of BDS Course in the month of August, 2018, and cleared four subjects. However, she failed in one subject.

5. Thereafter, the petitioner appeared in the supplementary examination held in the month of January, 2019, and cleared the remaining one subject. The petitioner appeared in the Third Year examination of BDS Course in the month of January, 2020, and cleared all the subjects. The petitioner was eligible to appear in the Fourth Year examination of BDS Course in the months of March, 2021; September, 2021; January, 2022; September, 2022 and January, 2023. However, the petitioner was unable to pay the examination fee.

6. As soon as the petitioner was in a position to pay the examination fee, she submitted her representation seeking permission to appear in the examination of Fourth Year BDS Course which is scheduled to be held in the month of January, 2025. The representation submitted by the petitioner was rejected by an order dated 28.10.2024 passed by the respondent University *inter alia* on the ground that the petitioner was required to clear the examinations in all the subjects within a period of nine (9) years including one year Compulsory Rotatory paid Internship from the date of admission.
7. Heard the learned counsel for the parties and have perused the record.
8. The petitioner was admitted to BDS Course in the academic year 2016-17. She passed the First Year BDS examination in November, 2017. Thereafter, she appeared in the Second Year BDS examination in August, 2018, and cleared four subjects. However, she failed in one subject. The petitioner thereafter appeared in the supplementary
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examination in the month of January, 2019, and cleared the remaining one subject. The petitioner appeared in the Third Year BDS examination in January, 2020, and cleared all the subjects. Thus, the petitioner was entitled to appear in the Fourth Year BDS examination in the month of March, 2021; September, 2021; January, 2022; September, 2022, and January, 2023. However, on account of her poor financial condition, the petitioner was unable to pay the examination fee. As soon as the petitioner was in a position to pay the examination fee, she submitted a representation seeking permission to appear in the Fourth Year BDS examination which is scheduled to be held in the month of January, 2025.

9. Taking into account the fact that the petitioner was unable to appear in the Fourth Year BDS examination on account of her poor financial condition and in the peculiar facts of the case, we direct the respondent University to permit her to appear in the Fourth Year BDS examination which is scheduled to be held in the month of January, 2025, as a onetime measure. It is clarified that this order has been passed

by this Court in peculiar facts of the case and shall not be treated as a precedent.

10. Accordingly, the Writ Petition is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

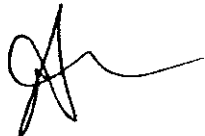
SD/- N.SRIHARI
ASSISTANT REGISTRAR
SECTION OFFICER

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To,

1. The Registrar, (Managed by . VELS EDUCATION SOCIETY) Permitted by Govt. of India, Ministry of Health and F.W. (DE Section and DCI, New Delhi) (Affiliated to K.N.R. University of Health Sciences, Warangal), Meghna Institute of Dental Sciences, Represented by its Vemi Road, Mallaram VIII, Nizamabad - 503003, Telanagana, India. Email. info@meghnadentalcollege.ac.in Phone. 9505445456, 7032671782, 9848072945, 9912818854
2. The Registrar, Kaloji Narayana Rao University of Health Sciences, Nizampur, Warangal, Telanagana - 506007, Email. Knruhs115@gmail.com Reg-wgl-knruhs@telanagana.gov.in Phone. 0870 2454555 (Exten.101)
3. The Registrar, Dental Council of India, National Dental Commission Building, Plot No. 14, Sector - 9, R.K.Puram, New Delhi - 110022, India. Email. Secy-dci@nic.in Phone. 0091 011 40194297
4. The Registrar, Telangana State Dental Council, 2nd Floor, RHFWTC Building, Directorate of Medical and Health Services Campus, Opposite Women's College, Koti, Hyderabad - 500095. Email. registrarAgdc@gmail.com Phone. 040 29555080,
5. The Secretary, Telangana State Directorate of Medical Education, Koti, Sultanbazar, Hyderabad, Email. drnetelanagana@gmail.com Phone. 040 2460251
6. The Principal Secretary, Health, Medical, Family Welfare Department, State of Telangana, Dr. B.R. Ambedkar Secretariat, Hyderabad.
7. One CC to SRI SYEDA ARSHIYA MAHJABEEN, Advocate. [OPUC]
8. One CC to SRI S.ABHAYA KUMAR SAGAR, Advocate. [OPUC]
9. One CC to SRI T.SHARATH, SC for Kaloji Narayan Rao University of Health Sciences, Warangal. [OPUC]
10. Two CCs to GP FOR MEDICAL HEALTH & FW, High Court for the State of Telangana at Hyderabad. [OUT]
11. Two CD Copies.

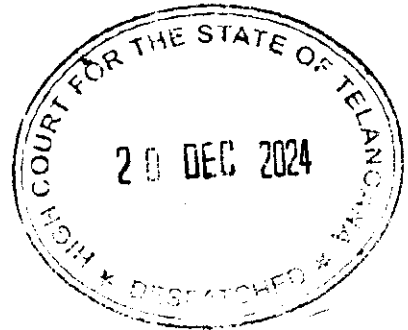
BSK



HIGH COURT

DATED:20/12/2024

CC TODAY



ORDER

WP.No.34643 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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20/12/2024