

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 18234 of 2011

For Approval and Signature:

HONOURABLE THE ACTING CHIEF JUSTICE
MR.BHASKAR BHATTACHARYA
AND
HONOURABLE MR.JUSTICE **J.B.PARDIWALA**

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?`
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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CONSORTIUM OF SELF FINANCED DENTAL COLLEGES
Versus
STATE OF GUJARAT

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Appearance :
MR ND NANAVATI, SR. COUNSEL WITH MR. MITUL K SHELAT for
Petitioner.
MR KAMAL TRIVEDI, ADVOCATE GENERAL WITH MS. SANGITA VISHEN
for Respondent.

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CORAM :	HONOURABLE THE ACTING CHIEF JUSTICE MR.BHASKAR BHATTACHARYA
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	and
	HONOURABLE MR.JUSTICE J.B.PARDIWALA

Date : 30/03/2012

ORAL JUDGMENT

(Per : HONOURABLE THE ACTING CHIEF JUSTICE MR.BHASKAR
BHATTACHARYA)

By this Special Civil Application, the writ-petitioner, which is a consortium of self-financed Dental Colleges of unaided Dental Colleges and Institutions imparting education in graduate and post-graduate professional Dental courses in the State of Gujarat, has prayed for issue of a writ of mandamus declaring Section 6(i) read with Section 2(g)(ii) of the Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 [the Act, for short, hereafter] as *ultra vires* the Article 14 and 19(1)(g) of the Constitution of India and at the same time, the rules framed under Section 20 of the Act, viz. Rules 3 to 12, 15, 16 and 23 of Gujarat Professional Medical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Rules, 2010 [the Rules, for short, hereafter] as unconstitutional.

However, after we entertained this writ-application, Mr. Nanavati, the learned Senior Advocate appearing on behalf of the petitioner submits that the parties have, by way of an amicable settlement in the light of the decision of the Supreme Court in the case of **P.A. INAMDAR v/s STATE OF MAHARASHTRA reported in (2005) 6 SCC 537** and the Regulations framed by the Dental Council of India *inter alia* providing for the bifurcation of seats between the State quota and the Management quota reached a consensus to the effect that with effect from the current academic year 2012-13 and

thereafter, the bifurcation of seats for Post-Graduate courses in the discipline of Dentistry shall be in the ratio of 50 : 50 between the State quota and Management quota. It is also agreed that for the purpose of working out this bifurcation of seats as per the order of the Supreme Court in the case of **MODERN DENTAL COLLEGE AND RESEARCH CENTRE AND ORS vs. STATE OF MP AND ORS reported in (2009) 7 SCC 751**, the NRI seats are to be excluded.

The parties have further agreed that for the course in the discipline of Dentistry at the level of graduation, the bifurcation of seats in the ratio of 75 : 25 between the State quota and Management quota as prescribed by the Act is acceptable to all unaided Dental Colleges.

The parties have further agreed that the Universities filling up the State quota for Post-Graduate courses shall have to act accordingly.

Let it be recorded that the learned Advocate General appearing on behalf of the State-respondent has endorsed the aforesaid consensus arrived at between the parties.

In view of the above consensus, Mr. Nanavati submits that he is not pressing the writ-application as the State Government has decided to act in the above terms.

We make it clear that we have otherwise not gone into the merits of the matter.

The petition is disposed of accordingly. Rule is discharged. No costs.

[BHASKAR BHATTACHARYA, ACTING C.J.]

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[J.B.PARDIWALA. J.]