

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2016

PRESENT

THE HON'BLE MR. JUSTICE JAYANT PATEL

AND

THE HON'BLE MR. JUSTICE S.N.SATYANARAYANA

WRIT PETITION NO.41901/2015(EDN-AD)

C/W

WP NOS.9442-9444/2014 & WP NOS.15670-

16010/2014(EDN-MED-ADM)

&

**WRIT PETITION NOS.40994-41015/2015 (EDN-MED-
ADM)**

IN WRIT PETITION No.41901/2015:
BETWEEN:

Sri Rajiv Gandhi College of Dental Sciences,
Cholanagar, Hebbal,
R.T.Nagar P.O.,
Bangalore 560 032, Karnataka, India,
Represented by it Principal
Dr.Vaibhavi Joshipura,
D/o – Dikshit,
Aged 45 years, R/at Bengaluru.

...Petitioner

(By Sri Abhishek Malipatil, Adv. for
M/S.Naik & Naik Law Firm, Adv.)

AND:

1. Rajiv Gandhi University of
Health Sciences for Karnataka,
4th 'T' Block, Jayanagar,
Bangalore – 560 041,
Rep by its Registrar.
2. State of Karnataka,
By its Principal Secretary,
Medical Education,
Ministry of Health and Family Welfare
Vikasa Soudha; Bangalore 560 001.
3. The Dental Council of India,
Iwan-E-Galib Marg, Kotla Road,
New Delhi – 110 002,
Rep by its Secretary.

... Respondents

(By Sri.N.K.Ramesh, Adv. for R1,
Sri G.S.Bhat, Adv. for R3,
R2 served)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to a) declare that clause II of revised BDS course regulations; in so far as it provides for selection of students; are to be read as providing for procedure, for selection of students for admission, in cases where 'short listing' is required for admission, to assess inter-se merit and in cases where applicants are less than the available seats; admissions are to be based on inters merit from candidates who are

otherwise eligible in terms of clause I revised BDS course regulations; or in the alternate and etc.

IN WRIT PETITION NOS.9442-9444/2014
& WRIT PETITION NOS.15670-16010/2014:

BETWEEN:

1. Karnataka Professional Colleges' Foundation (Formerly Karnataka Private Medical and Dental Colleges' Association)
 No.132, 2nd Floor, 17th Cross,
 11th Main, Malleswaram, Bangalore – 560 055,
 Rep. by its Executive Secretary,
 Mr. R.V.Govinda Rao, Aged about 68 years.
 [Senior citizen benefit not claimed]

2. Bapuji Dental College & Hospital
 M.C.C. B Block, Near J.J.M.
 Medical College, Davangere,
 Karnataka – 577 004.
 Represented by its Principal
 Dr.K.Sadashiva Shetty,
 S/o Late Shivarama Shetty,
 Aged about 60 years.
 [Senior citizen benefit not claimed]

3. M.S.R Dental College and Hospital
 MSRIT Post, MSR Nagar,
 Bangalore – 560 054
 Represented by its Principal
 Dr.B.V Sreenivasa Murthy
 S/o Late Venkateshaiah,

Aged about 53 years.

...Petitioners

(By Ms.Farah Fathima, Adv. for
M/s.K.Shashikiran Shetty A/S)

AND:

1. Union of India,
Represented by its Secretary
(Medical Education)
Ministry of Health & Family welfare
Nirman Bhavan,
New Delhi – 110 011.
2. State of Karnataka
By its Principal Secretary,
Medical Education,
Ministry of Health and Family Welfare
Vikasa Soudha,
Bangalore – 560 001.
3. The Dental Council of India,
Iwan-E-Galib Marg, Kotla Road,
New Delhi – 110 002.
Rep by its Secretary.
4. Rajiv Gandhi University of
Health Sciences for Karnataka,
4th 'T' Block, Jayanagar,
Bangalore – 560 041.
Rep. by its Registrar.

...Respondents

(By Sri.C.Shashikantha, CGC for R1;
Sri.A K. Vasanth, AGA for R2;
Sri.G.S.Bhat, Advocate for R3;

Sri.N.K.Ramesh, Advocate for R4)

These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to declare that clause II of revised BDS course regulations; in so far as it provides for selection of student are to be read as providing for procedure, for selection of students for admission, in cases where “short listing” is required for admission, to assess inter-se merit and, in cases where applicants are less than the available seats (As has been the case year after year in the State of Karnataka); admissions are to be based on interse merit from candidates who are otherwise eligible in terms of clause I revised BDS course regulations; Notification bearing Reg.No.D.L.33004/99 Dtd.10.9.2007 (Annex-A) and etc.,

IN WRIT PETITION NOS.40994-41015/2015:
BETWEEN:

1. Amrith Educational And Cultural Society's
 Maruti College of Dental Sciences
 & Research Centre,
 # 108, Hulimavu Tank Bund Road,
 BTM Layout, 6th Stage, 1st phase,
 Kammanahalli, Banneraghatta Road,
 Bangalore-560 076, Karnataka, India
 Represented by its Principal
 Dr. C. S. Ramachandra,
 S/o Sri C. Satyanarayana Bhat,
 Aged 56 Years. R/At Bengaluru.
2. Dayananda Sagar College of Dental Sciences
 (A Unit of Dayananda Sagar Institutions),

Shavige Malleshwara Hills,
 Kumara Swamy Layout,
 Bangalore-560 078. Karnataka
 Represented by its Secretary
 Sri Galiswamy, S/o Sri Galappa,
 Aged 72 Years, R/At Bengaluru.
 [Senior citizen benefit not claimed]

3. D. A. Pandu Memorial Rasthriavidyalaya
 Dental College,
 J .P. Nagar 1st Phase,
 Bangalore-560 090
 Represented by its Principal
 Dr. M. R. Dinesh,
 S/o Late Sri M .S. Ramu,
 Aged 51 Years, R/at Bengaluru.
4. Sri Venkateshwara Dental College & Hospital
 (A Unit of Nehru Smarakavidya Kendra Trust),
 Kariyappanahalli, Anekal Road,
 Banneraghatta, Bangalore-560 083,
 Represented by its Principal,
 Prof. & HOD, Dr. Uma Dinesh,
 W/o Sri Dinesh K.S.,
 Aged 45 Years, R/at Bengaluru.
5. KGF College of Dental Sciences & Hospital,
 No.36, D.K. Plantation, BEML Nagar Post,
 Kolar Gold Fields- 563 115, Karnataka
 Represented by its Principal
 Dr. Ramesh S. Reddy,
 S/o Sri G. Shama Reddy,
 Aged 47 Years, R/at K.G.F., Karnataka.

6. Academy of Liberal Education (R)'S,
K.V.G. Dental College & Hospital,
Kurunjibag-574 327, Sullia,
Dakshina Kannada, Karnataka
Represented by its General Secretary,
Dr. Renuka Prasad K. V.
S/o K. Gowda, Aged 54 Years
R/at Sullia, Karnataka.
7. Sharavathi Educational Trust (R)' s,
Sharavathi Dental College & Hospital,
Alkola, T.H. Road, Shimoga-577 204
Karnataka, India
Represented by its Principal
Sri H.G. Siddalingaiah,
S/o Sri Gangaiah, Aged 50 Years,
R/at Shimoga, Karnataka.
8. S.J.M. Vidyapeetha (R)' s,
S.J.M. Dental College & Hospital,
Chithradurga-588 501, Karnataka
Represented by its Principal
Dr. R. Gowramma,
S/o Late Sri B. Rudranna,
Aged about 51 Years,
R/at Chithradurga,
Karnataka.
9. Bapuji Dental College & Hospital
M.C.C. B Block, Near J.J.M. Medical College,
Davangere, Karnataka-577 004.
Represented by its Principal
Dr. K. Sadashiva Shetty,
S/o Late Shivarama Shetty,

Aged about 60 Years.
[Senior citizen benefit not claimed]

10. College of Dental Sciences, Davangere
(Bapuji Educational Association (R))
Post Box No.327, Davanagere-577 004,
Karnataka, India
Rep by its Principal
Dr. Vasundhara Shivanna,
D/o Mahalingappa Banakar,
Aged about 59 Years,
R/at Davanagere.
11. M. R. Ambedkar Dental College & Hospital
No.1/36, Cline Road, Cooke Town,
Bangalore-560 005,
Karnataka, India, Rep by its Principal
Dr. Pramila M
W/o Dr. M. Prakash
Aged about 45 Years
R/at Vijaynagar, Bengaluru.
12. Sri Hasanamba Dental College & Hospital
(Of Sri Hasanamba Education Trust (R) Hassan)
P.B. 86; Vidyanagar, Hassan-573 201
Represented by its Principal
Dr. Shivamurthy Ravindra
Aged 50 Years.
13. Krishnadevaraya College of Dental
Science & Hospital,
Bangalore-562 157, Karnataka, India
Represented by its Principal
Dr. Jayalakshmi K.B.

D/o N. Basavana Gowda,
Aged about 53 Years,
R/at Bengaluru.

14. Dr. Syamala Reddy Dental College
& Research Centre,
No.111/1, S.G.R. College Main Road,
Munnekolala, Marathahalli Main Road,
Bangalore-560 037.
Rep by its Secretary,
Dr. S. Chaithanya Reddy,
S/o Dr. Syamala Reddy,
Aged about 42 Years,
R/at Bengaluru.
15. V. S. Dental College and Hospital
K.R. Road, V .V. Puram,
Bangalore-560 004
Represented by its Principal
Dr. M. Manjunath,
S/o Late B.H. Muniraju,
Aged 54 Years;
16. A.M.E.'s Dental College,
Raichur, Karnataka,
Represented by its Principal
Dr. D.N.S.U. Ramesh,
S/o Sri G.P. Maddikerappa,
Aged 47 Years, R/At Raichur,
Karnataka.
17. Hyderabad Karnataka Development
Education Trust (R) 'S-
Dental College Hospital & Research Centre,

Humnabad-585 330, Bidar District,
Karnataka,
Represented by its Principal
Dr. Muhammed Honnur,
S/o Mr. D.K.Md. Hussain,
Aged 59 Years, R/at Bidar, Karnataka.

18. Maratha Mandal' s Nathajirao G. Halgekar
Institute of Dental Sciences,
R.S.No.47A/2, Near KSRP Ground,
Bauxite Road, Belgaum-590 010. Karnataka
Represented by its Principal
Dr. Ramakant Sanjeevanayak,
S/o Sri Nayak, Aged 49 Years,
R/at Belagavi, Karnataka.
19. P.M.N.M. Dental College & Hospital
Bagalkot, Karnataka,
Represented by its Principal
Dr. Shreenivasa S Vanaki
S/o Sri Shankarappa Vanaki,
Aged about 48 Years,
R/at Bagalkot, Karnataka.
20. H.K.E.S.'s -S .Nijalingappa Institute of
Dental Sciences & Research Centre,
Gulbarga-585 105, Karnataka
Represented by its Principal
Dr. Jayashree A. Mudda,
W/o Dr. Amaranath Mudda,
Aged about 50 Years,
R/at Gulbarga, Karnataka.

21. S. B. Patil Dental College and Hospital
Naubad, Bidar-585 402,
Karnataka, India
Rep by its Principal
Dr. K. Dinesh Sharma
S/o K. V. Sharma
Aged about 50 Years
R/at Bidar, Karnataka.

 22. Karnataka Professional Colleges' Foundation
(Formerly Karnataka Private
Medical and Dental Colleges'
Association); No.132,
2nd Floor, 17th Cross,
11th Main, Malleswaram,
Bangalore-560 055
Rep. by its Executive Secretary,
Mr. R .V. Govinda Rao,
Aged about 67 Years,
R/at Bengaluru.
[Senior citizen benefit not claimed]
- ... Petitioners
- (By Sri. Abhishek Malipatil, Adv.)

AND:

1. Union of India,
Represented by its Secretary,
(Medical Education)
Ministry of Health & Family Welfare
Nirman Bhavan,
New Delhi-110 011.

2. State of Karnataka
By its Principal Secretary,
Medical Education,
Ministry of Health and Family Welfare
Vikasa Soudha,
Bangalore-560 001.
3. The Dental Council of India
Iwan-E-Galib Marg, Kotla Road,
New Delhi-110 002
Rep by its Secretary.
4. Rajiv Gandhi University of
Health Sciences for Karnataka
4th "T" Block, Jayanagar,
Bangalore-560 041.
Rep by its Registrar. ... Respondents

(By Smt.M.Bindu Aiyappa, Adv. for R1
Sri A.K.Vasanth, Adv. for R2
Sri G.S.Bhat, Adv. for R3.
Sri N.K.Ramesh, Adv. for R4)

These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to declare that, Class II of revised BDS course regulations dated 25.7.2007 vide Ann-A, in so far as it provides for selection of students, are to be read as providing for procedure, for selection of students for admission, in cases where 'Short Listing' is required for admission, to assess inter-se merit and, in cases where applicants are less than the available seats, [As has been the case year after year in the State of Karnataka], admissions are to

be based on interse merit from candidates who are otherwise eligible in terms of clause I revised BDS course Regulations and etc.,

These petitions coming on for preliminary hearing this day, ***Jayant Patel J.*** delivered the following:

ORDER

The learned counsel for the petitioners have declared that now they are desirous to withdraw the petitions. Hence, we have called for papers and earlier order dated 30.08.2016 is recalled.

2. Before the order is signed, the learned counsel for the petitioners have tendered the memo of withdrawal and he states that all the learned counsel appearing for respondents are intimated.

3. By tendering the memo, learned counsel for petitioners seek permission to withdraw the petition with a liberty to approach this Court if need arises.

Permission is granted. Disposed of as withdrawn.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

Sk/-