

**WMP.No.25394 of 2021**  
**in**  
**WP.No.24082 of 2021**

**M.DHANDAPANI,J.**

This Miscellaneous petition is filed seeking to stay the operation of the order dated 02.08.2021 passed by the 1st respondent and the consequential order dated 28.10.2021 passed by the 2nd respondent herein and the Notification No.005/SCSII(I)/2021 dated 02.11.2021 of the 4th respondent herein.

2. It is stated by the petitioner/college that, for the larger benefit of the students, they had a tie up with the Government Hospital at Bhoothapandy, Kanyakumari, which is within a radius of 10 Kms from their Institution. Vide G.O.(D).No.1258, dated 20/11/2014, the tie-up was approved by the Government and thereafter extended upto the academic year 2024-2025 vide G.O.(D)No.1113 dated 03.07.2019.

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3. It is further stated by the petitioner/college that, in the year 2017, an inspection was conducted by the 2nd Respondent and it was found that, the distance from the Institution and the Hospital by road was about 16

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Kms. Thereafter, the petitioner/college gave a detailed explanation that, the Hospital was less than 10 kms from the Institution and that, only due to change in alignment of the National Highways and State Highways from the year 2016, the direct access to the Hospital has been curtailed and one has to travel extra 6 Kms to reach the Hospital. However, as roads were widened, the time to reach the Hospital remains the same i.e. 20 minutes.

4. Thereafter, in respect of the academic year 2021-2022, the 2nd respondent/Dental Council of India recommended to the 1st respondent to allow admission in petitioner Institution for MDS course, vide communication dated 31.05.2021. However, the said recommendation was rejected vide impugned proceedings dated 02.08.2021 on the ground that the Hospital is situated beyond 10 Kms, and that the requirements of 2006 Regulations are not met with. Consequent to the rejection order of the 1st Respondent, the 2nd Respondent disallowed admission of students to the courses in the petitioner/college vide communication dated 28.10.2021. Hence, the present writ petition along with the petition seeking stay.

5. Learned counsel for the petitioner contended that, the 1st and 2nd

Respondents have erroneously applied their mind in respect to the distance by road, when the Regulations require only a radius of 10 Kms and not (distance of 10Kms) "by road". He went on to contend that, when a statutory exception has been made in the 2006 Regulations itself, by no stretch of imagination, respondents can enforce it against the exempted Institutions.

6. It is to be pointed out that on the day when exemption was granted, the distance was within the prescribed limit of 10Kms. Further, as rightly pointed out by the learned counsel for the petitioner prior to 2006 Regulations do not contemplate the distance by road to be within 10 Kms. Such being the case there is force in the contention of the learned counsel for the petitioner and, therefore, **there shall be an order of interim stay as prayed for. Notice.**

सत्यमेव जयते

09.11.2021  
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**Note to Registry:**

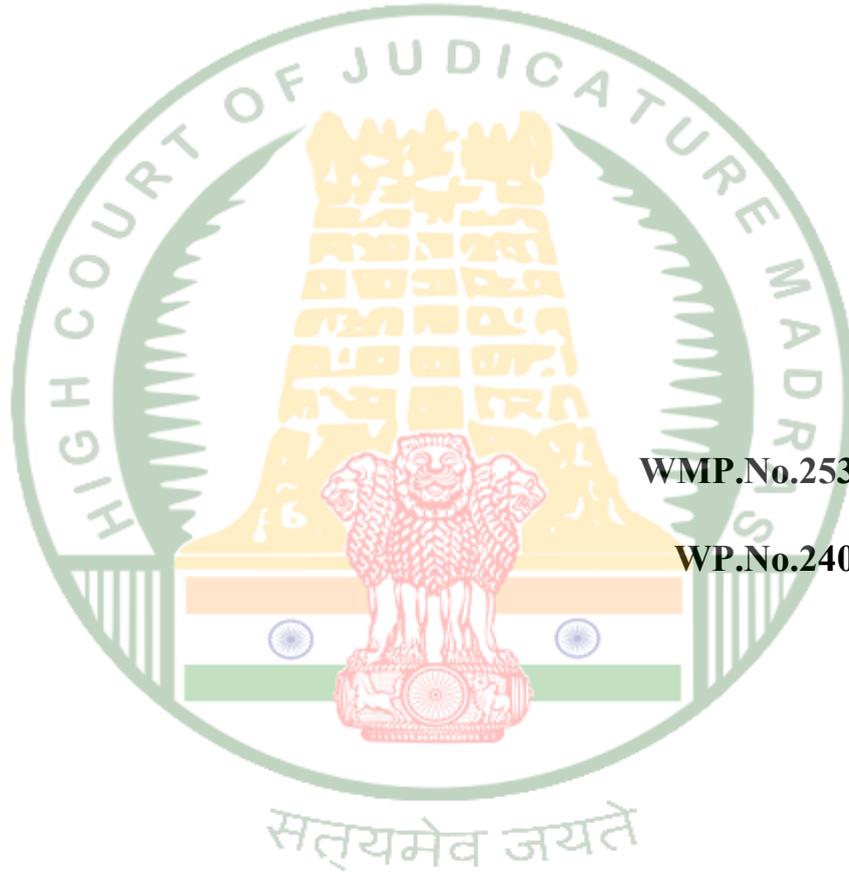
Issue copy of this order today (10/11/2021) and upload this order in the website, forthwith.

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