

No.V.12017/9/94-PMS
Govt.of India
Ministry of Health & Family Welfare

.....

Nirman Bhawan, New Delhi,
Dated the 21st October, 1994

To

✓ The Director General,
Surjug Dental College,
Laharisaria, Darbhanga,
Bihar.

Sub:- Application for grant of recognition and affiliation for Surjug Dental College, Laharsarai, Darbhanga, Bihar in pursuance of Supreme Court Order dated 10th January, 1994 in Petition for Special Leave to Appeal (Civil) No.20122 of 1993 in the matter of Board of Director, Surjug Dental College Versus State of Bihar.

.....

Sir,

I am directed to refer to your letter No.Nil dated 2.3.1994 on the above subject and to say that in the Petition for Special Leave to Appeal (Civil) No.20122 of 1993, the Hon^{ble} Supreme Court of India passed the following order on 10.1.1994:-

" From the impugned order of the High Court it is manifest that the Petitioners have been left to approach the Central Government for recognition and affiliation of the institution in accordance with the amended Dentist Act (Act 3. of 1993). Any ambiguity in that regard appearing in the impugned order to the High Court stand clarified hereby. We have no doubt that if applications is/are made for the purpose, the Central Government shall expeditiously deal with those and pass appropriate orders in accordance with law. With these observations the SLPs are disposed of".

2. In pursuance of the above order the Sarjug Dental College Darbhanga submitted an application dated 2.3.1994 to the Central Government for grant of recognition and affiliation of the College.

3. By enactment of the Dentists (Amendment) Act 1993, three new sub-sections 10A, 10B and 10C were inserted in the Dentists Act, 1948 and Section 20 of the principal Act was amended. These new Sub-sections provide for permission for establishment of new dental colleges, new courses of study etc., non-recognition of dental qualification in certain cases and time for seeking permission for certain existing authorities. As per report of the Dental Council of India, the Council had granted approval to the Sarjug Dental College, Darbhanga after satisfying itself about the infrastructure and other statutory requirements for the admission capacity of 40 students from 1988-89 academic session. As per record maintained in the Council, the College had obtained affiliation/No Objection Certificate from the University

and No Objection Certificate from the Government of Bihar for establishing a dental college.

4. "Establishment" of an authority or institution is different from "grant of a recognised dental qualification" or "conducting a course of study leading to the grant of a recognised dental qualification." The amended Dentists Act is the entire Dentists Act, 1948 as amended by the Dentist (Amendment) Act 1993 (No. 30 of 1993). Therefore, all the sections of the Dentists Act have been taken into account for the purpose of dealing with this application.
5. It is a fact that the Sarjug Dental College, Darbhanga has been admitting students and conducting the course of study on the basis of the approval given by the Dental Council of India after inspection since 1988-89. Therefore, without going into details or merits of the defacto or dejure nature of affiliation of the college to the Lalit Narayan Mithila University, the application dated 2.3.1994 was treated as an application under section 10(2) of the Dentist Act 1948 and the Dental Council of India was requested to undertake an inspection of the College and to visit the Lalit Narayan Mithila University through inspectors to give its views to the Central Government regarding the affiliation or otherwise of recognising the BDS qualification that may be granted by the University after examining the students studying at Sarjug Dental College, Darbhanga after considering the inspection report.
6. The Dental Council of India appointed inspectors to inspect and examine the infrastructure, equipments and other requisites including staffing. The Council after considering the inspection report informed that the college has the requisite infrastructure and capabilities for imparting dental qualification i.e. the BDS course and the Lalit Narayan Mithila University has the requisite capabilities to undertake the examination of the students for grant of BDS degree.
7. After careful consideration of the inspection report and the views of the Dental Council of India and keeping in view the directions of the Hon'ble Supreme Court of India, this Ministry has decided to recognise and include the BDS degree to be awarded by the L.N.Mithila University in respect of the students being trained at the Sarjug Dental College, Darbhanga in part I of the Schedule to the Dentist Act 1948 vide this Ministry's notification No.V.12017/9/94-PMS dated 19.10.1994. A copy of the notification is enclosed.
8. It may be noted that there is no provision in the Dentists Act, 1948 as amended till date which empowers the Central Govt. to grant affiliation of a dental college to any university or any other degree conferring body.

Yours faithfully,



(H.N. YADAV)

UNDER SECRETARY TO THE GOVT. OF INDIA

Copy to:-

1. The Secretary(Health), Govt. of Bihar, Patna.
2. The Registrar, L.N.Mithila University, Darbhanga, Bihar.
3. The Secretary, Dental Council of India, Kotla Road, Temple Lane, New Delhi-2.
4. The Registrar, Supreme Court of India, New Delhi.



(H.N.YADAV)
UNDER SECRETARY TO THE GOVT. OF INDIA