

**WRIT APPEAL NO: 309 of 2025**

Dr NTR University of Health Sciences and others

...Appellants

Vs.

Kadari Akhil and others

...Respondents

Advocate for Appellant:

Tata Venkata Sridevi [Standing
Counsel for Dr.NTR University of
Health Sciences]

Advocate(s) for Respondent(s):

Mr. Shaik MD Umar Abdullah for CKR
Associates for R.1
AGP for Medical, Health & FW for R2
Mr. Surya Teja Anumolu for R.3 to R.5**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R RAGHUNANDAN RAO****DATE : 27th March, 2025****P C :**

The present writ appeal has been preferred against the order, dated 25.02.2025 passed in WP.No.5012 of 2025.

2. By virtue of the order impugned, the learned single Judge had directed the appellants herein to receive the fee of the petitioner (respondent No.1 herein) for enabling him to undertake the supplementary theory examination, 2025 for the BDS course without reference to the Memorandum, dated 29.08.2024.

3. By virtue of the said Memorandum, the case of the petitioner for permission to appear in the examination had been rejected by the Controller of Examination of Dr. NTR University of Health Sciences.

4. Learned counsel for the appellant University would submit that the direction issued by the learned single Judge is unsustainable inasmuch as according to the Dental Council of India Revised BDS Course Regulations, 2007, governing the examination of students undergoing BDS courses, any student who does not clear the BDS course in all the subjects within a period of nine years including one year compulsory rotatory paid internship from the date of admission is liable to be discharged from the course.

5. In the present case, it is stated that the petitioner was admitted to the BDS course as early as on 30.09.2015 and the current year is the 10th year running, it is only in those circumstances that the Controller of Examination had held the petitioner (respondent No.1 herein) as not eligible to undertake the examination for which the learned single Judge has now directed the University to accept the fee with a view to enable him to appear in the examination.

6. A similar issue has already been dealt with by us in WA.No.235 of 2025 decided on 20.03.2025 wherein a similar direction had been set aside.

7. Following the view already taken by us, we feel that the order impugned in the writ appeal is unsustainable as it goes contrary to the express provisions of the relevant regulations governing the examination.

8. We accordingly allow the Writ Appeal. The order impugned is set aside. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

R RAGHUNANDAN RAO, J

Vjl