

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THURSDAY, THE TWENTY SEVENTH DAY OF MARCH  
TWO THOUSAND AND TWENTY FIVE



PRESENT

HON'BLE SRI JUSTICE SRI DHIRAJ SINGH THAKUR, CHIEF JSUTICE  
AND  
THE HONOURABLE SRI JUSTICE R. RAGHUNANDAN RAO

**WRIT APPEAL NO: 309 OF 2025**

Writ Appeal under clause 15 of the Letters Patent against the order dt 25.02.2025 in I.A.No. 1 of 2025 in W.P.No. 5012 of on the file of the High Court.

**Between:**

1. Dr NTR University of Health Sciences, Rep by its Registrar, Vijayawada, Krishna District.-AP.
2. The Joint Registrar (Examinations), N.T.R University of Health Sciences, Rep by Vice-Chancellor, Vijayawada, Krishna District-A.P.
3. The Controller of Examinations, NTR University of Health Sciences Vijayawada, Krishna District.

**...APPELLANTS/RESPONDENT Nos.3, 4, 5 & 6**

**AND**

1. Kadari Akhil, S/o. K.Premanand Rao, Aged around 28 years, R/o. Plot No. 406, Sukhibava Apartment, Near NRI Road, Sangivalasa, Chittivalasa, Bheemunipatnam, Visakhapatnam.

**...RESPONDENT/WRIT PETITIONER**

2. The State of Andhra Pradesh, Represented by its Principal Secretary, Department of Medical Health and Family Welfare Secretariat Buildings, Velagapudi, Guntur District.

3. The Dental Council of India, Represented by its Deputy Secretary,  
National Dental Commission Building, Plot No. 14, Sector-9, RK Puram,  
New Delhi- 110022.
4. AP State Dental Council (APSDC), Rep by its Registrar, Govt Dental  
College and Hospital, Machavaram, Vijayawada-520004 Andhra  
Pradesh.
5. Anil Neerukonda institute of Dental Sciences, Rep by its Principal,  
Sangivalasa, Bheemunipatnam, Visakhapatnam-531162, A.P.

**...RESPONDENTS/RESPONDENTS 1, 2, 3 to 7**

**IA NO: 1 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the interim order dt 25.02.2025 in I.A.No. 1 of 2025 in W.P.No. 5012 of 2025 pending the writ appeal.

**Counsel for the Appellants : Mrs. Tata Venkata Sridevi,  
Standing Counsel For Dr.NTR University of Health Sciences**

**Counsel for Respondent No.1 : SRI SHAIK Md. UMAR ABDULLAH  
FOR M/s. CKR ASSOCIATES**

**Counsel for Respondent No.2 : GP FOR MEDICAL HEALTH & FW**

**Counsel for Respondent Nos. 3 to 5 : SRI SURYA TEJA ANUMOLU**

**The Court made the following:**



WRIT APPEAL NO: 309 of 2025

Dr NTR University of Health Sciences and others

...Appellants

Vs.

Kadari Akhil and others

...Respondents

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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.5CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR  
SRI JUSTICE R RAGHUNANDAN RAODATE : 27<sup>th</sup> 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 10<sup>th</sup> 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.

Sd/- S.V.S.R. MURTHY  
JOINT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. One CC to Mrs. Tata Venkata Sridevi, Standing Counsel For Dr.NTR University of Health Sciences [OPUC]
2. One GC to M/s. CKR Associates, Advocate [OPUC]
3. Two CCs to GP for Medical Health & FW, High Court of Andhra Pradesh. (OUT)
4. One CC to Sri SuryaTeja Anumolu, Advocate (OPUC)
5. Three C.D. Copies.

Cnr

**HIGH COURT**

**DATED:27/03/2025**

**JUDGMENT**

**WA.No.309 of 2025**



**ALLOWING THE WRIT APPEAL  
WITHOUT COSTS**