
(2004) 06 SHI CK 0021

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 56 of 2003

Dr. S.C. Sharma

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 07-06-2004

Acts Referred:

DENTISTS ACT, 1948 — Section 3, 6

Citation : (2004) 2 ShimLC 300

Hon'ble Judges : V.K. Gupta, C.J;M.R. Verma, J

Bench : Division Bench

Advocate : P.P. Chauhan, for the Appellant; M.S. Chandel, A.G. and J.K. Verma, Dy. A.G., for the Respondent

Final Decision : Dismissed

Judgement

V.K. Gupta, C.J.—Undoubtedly, the Petitioner's induction as a Member of the Dental Council of India was by way of his nomination as a representative of the Government of Himachal Pradesh (State of Himachal Pradesh) in terms of Section 3(e) of the Dentists Act, 1948 and by virtue of the proviso to Sub-section (1) of Section 6 of the said Act, any person nominated as a Member under Clause (e) (supra) would hold office as such during the pleasure of the authority nominating him. In the present case, the State of Himachal Pradesh had nominated the Petitioner as a Member of the Council because at the time of his nomination he was the Principal of H.P. Government Dental College in Shimla. The communication nominating him also shows that the nomination was being made in terms of Clause (e) (supra) and since the Petitioner on superannuation retired on 30th September, 2002, the State Government withdrew the pleasure and in place of the Petitioner nominated one Dr. N.C. Rao as the Member of the Council.

2. There is no merit in this petition and the petition is dismissed.