

Court No. - 8

Case :- WRIT - C No. - 7177 of 2023

Petitioner :- Late Kamla Prasad Shashtri
Mahavidyalaya, Banda Thru. Its Manager Vijay
Pandey And Another

Respondent :- State Of U.P. Thru. Addl. Chief
Secy. Deptt. Of Medical Education, Lko. And 4
Others

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C., Abhinav
Trivedi, Gyanendra Kumar Srivastava

Hon'ble Pankaj Bhatia, J.

Heard Sri Piyush Kumar Singh, Advocate holding brief of Sri Ajay Pratap Singh, learned counsel for the petitioners, Sri Gyanendra Kumar Srivastava, learned counsel for the respondent no. 2, Sri Abhinav Trivedi, learned counsel for the respondent no. 3 and perused the material available on record.

The present writ petition has been filed by the petitioner with the following prayers:

"(i) To issue a writ order or direction in the nature of certiorari thereby quashing the impugned order dated 30.06.2023 passed by the opposite party no. 2 i.e. Uttar Pradesh State Medical Faculty Lucknow, contained as Annexure No. 1 to the writ petition, so far as it relates to the petitioner institution.

(ii) To issue a writ, order or direction in the nature of mandamus commanding the opposite parties including the opposite party no. 2 i.e. Uttar Pradesh State Medical Faculty Lucknow, to forward the inspection report dated 15.02.2022 before the State Government so that the issue regarding the No Objection Certificate for running the Diploma in General Nursing and Midwifery (New Course) in the institution of the petitioner viz. Professor Deena Nath Pandey Smt. Jairani Pandey Hospital and Nursing Paramedical College, Badausa, Banda, be decided by the State Government.

(iii) To issue a writ, order or direction in the nature of mandamus commanding the opposite parties including the opposite party no. 1 i.e. State Government to take

appropriate decision on the inspection report dated 15.02.2022 after summoning the same from the opposite party no. 2 regarding the No Objection Certificate for running the Diploma in General Nursing and Midwifery (New Course) in the institution of the petitioner viz. Professor Deena Nath Pandey Smt. Jairani Pandey Hospital and Nursing Paramedical College, Badausa, Banda, within a period of 15 days.

(iv) To issue a writ, order or direction in the nature of mandamus commanding the opposite party no. 2 not to make re-inspection of the petitioner institution in respect of Diploma of General Nursing and Midwifery course by the private agency namely Quality Council of India, till the final decision of the earlier inspection/panel of the opposite party no. 2 in the interest of justice."

The counsel for the petitioner has relied upon an order passed by this Court in the case of Parikrama Mridula Tiwari Shikshan Sansthan, Ayodhya through President Sujeet Kumar and another versus State of U.P. through Additional Chief Secretary, Department of Medical Education, Lucknow and 2 others in Writ C No. 5866 of 2023 decided on 27.07.2023, wherein in a similar matter, directions have been issued for taking a final decision in respect of the claim of the petitioner.

Considering the said decision, the present writ petition is also **disposed of** directing the respondent no. 2 to pass a fresh order on the application of the petitioner within a period of three weeks from the date of production of certified copy of this order.

Order Date :- 16.10.2023

Arun