



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S. INDIRESH

WRIT PETITION NO.31162 OF 2025 (EDN-RES)

BETWEEN:

BELENUS INSTITUTE OF NURSING SCIENCES
REP. BY ITS TRUSTEE,
KOLAR YETTAKODI VILLAGE,
LAKKUR HOBLI, CHIKKA THIRUPATHI,
WHITEFIELD ROAD,
MALLUR - 563 160.

...PETITIONER

(BY SRI. NITIN A.M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY THE PRINCIPAL SECRETARY,
MEDICAL EDUCATION AND
SKILL DEVELOPMENT DEPARTMENT,
GOVERNMENT OF KARNATAKA,
ROOM NO.206, 2ND FLOOR,
VIKASA SOUDHA,
BENGALURU - 560 001.

2. THE RAJIV GANDHI UNIVERSITY OF
HEALTH SCIENCES
REP. BY ITS VICE CHANCELLOR,
4TH BLOCK, JAYANAGAR,
BENGALURU - 560 011.

...RESPONDENTS

(BY SMT. SUKANYA BALIGA B., AGA FOR R1;
SRI. PANINI ALANGAR, ADVOCATE FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTIFICATION DATED 23RD NOVEMBER, 2023 ISSUED BY THE RESPONDENT NO.2 VIDE ANNEXURE-D INsofar AS IT ARBITRARILY PRESCRIBES 200 BEDDED PARENT HOSPITAL REQUIREMENT FOR NURSING INSTITUTIONS IN URBAN AREAS OF BENGALURU AND MANGALURU, WHICH IS CONTRARY TO THE UNIFORM NORMS PRESCRIBED BY THE INDIAN NURSING COUNCIL AND VIOLATES RIGHTS OF THE PETITIONER CONFERED UNDER THE ARTICLE 14 OF THE CONSTITUTION OF INDIA; AND ETC.

THIS PETITION COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

ORAL ORDER

In this petition, the petitioner is challenging the Notification dated 23rd November, 2023 (Annexure-D) issued by the respondent No.2-University as bad in law in respect of prescribing 200 bedded parent Hospital requirement for Nursing Institutions in Urban areas of Bengaluru and Mangaluru.

2. The relevant facts for adjudication of this writ petition are that the petitioner-Institution was established for imparting nursing education and affiliated to respondent No.2-University. It is stated that the petitioner-Institution had all the infrastructure to run the institution coupled with parent Hospital having 150 beds. The respondent No.2-University rejected the application of the petitioner for change of name



and address of petitioner-Institution for the academic year 2025-26 vide order dated 22nd August, 2025 (Annexure-N) on the ground that the petitioner-Institution do not conform to Notification dated 23rd November, 2023 (Annexure-D). Being aggrieved by the same, the petitioner presented this petition.

3. Heard Sri. Nitin A.M., learned counsel appearing for the petitioner; Smt. Sukanya Baliga B., learned Additional Government Advocate appearing for the respondent No.1; and Sri. Panini Alangar, learned counsel appearing for the respondent No.2.

4. Sri. Nitin A.M., learned counsel appearing for the petitioner, by inviting the attention of the Court to the Notification dated 12th March, 2021 (Annexure-B) issued by the Indian Nursing Counsel contended that, Clause 4(ii) provides for Establishment of the GNM School of Nursing and B.Sc. (Nursing) College of Nursing with 100 bedded parent Hospital. It is contended by learned counsel appearing for the petitioner that the impugned Notification dated 23rd November, 2023 (Annexure-D) issued by the respondent No.2-University, prescribing 200 bedded parent Hospital for Bengaluru and



Mangaluru Urban areas is bad in law. It is further contended by learned counsel appearing for the petitioner that the requirement of 200 Beds has been selectively applied to the Schools at Bengaluru and Mangaluru without any rational basis or classification. In this regard, learned counsel appearing for the petitioner refers to the judgment of Hon'ble Supreme Court in the case of **THE JAWAHARLAL NEHRU TECHNOLOGICAL UNIVESITY REGISTRAR vs. SANGAM LAXMI BAI VIDYAPEET AND OTHERS** reported in (2019) 17 SCC 729 and submits that the impugned Notification dated 23rd November, 2023 (Annexure-D) issued by the respondent No.2-University requires to be set-aside in respect of requirement of 200 Beds in Bengaluru Urban Area.

5. Per contra, Sri. Panini Alangar, learned counsel appearing for the respondent No.2-University submits that, there is a situation of mushrooming of nursing schools in Bengaluru City, Bengaluru Urban and Mangaluru Areas without there being adequate infrastructure and as such, the respondent No.2-University enforced the standard of having 200 beds in the aforementioned localities.



6. It is further argued by learned counsel appearing for the respondent No.2-University that the respondent-University, had taken conscious decision to laid down the criteria of having 200 beds as to maintain quality of nursing education. Accordingly, sought for dismissal of the petition.

7. Having heard the learned counsel appearing for the parties, I have carefully examined the writ papers, which would indicate that the petitioner-Institution is challenging the Notification dated 23rd November, 2023 (Annexure-D) prescribing 200 bedded parent Hospital for Bengaluru and Mangaluru Urban Areas. It is pertinent to mention here that the respondent No.2-University has to act in accordance with the Notification dated 12th March, 2021 (Annexure-B) issued by the Indian Nursing Council, which is a regulatory body for Schools of Nursing in India. The above Notification was issued under Section 16(1) of the Indian Nursing Council Act, 1947. Clause 4 of the Notification dated 12th March, 2021 provides for Minimum pre-requisites to establish/start a GNM School of Nursing/BSc. (Nursing) College of Nursing. Clause 4(ii) of the said Notification stipulates that the eligible



establishment/organisations should have their own 100 bedded parent Hospital, subject to areas located in respect of Tribal and Hilly area, wherein the requirement of own parent Hospital is exempted.

8. In the backdrop of these aspects, under the Notification dated 23rd November, 2023 (Annexure-D) issued by the respondent No.2-University, clause 7(iv) stipulates for maintaining the infrastructure to establish the Nursing School. In the said provision, the requirement has been made to have 200 bedded parent Hospital (Single unitary allopathic) for Bengaluru and Mangaluru Urban areas. It is also stated that, for other Urban areas, such establishment must have 100 bedded parent Hospital and Insofar as Rural area is concerned, such establishment must have 100 bedded parent Hospital.

9. Perusal of the impugned Notification dated 23rd November, 2023 (Annexure-D) as to differentiating the establishment/schools, situate at Bengaluru and Mangaluru Urban areas *viz-a-viz* with other areas, there is no acceptable reasons so as to criteria of having differentiating of beds. Though the learned counsel appearing for the respondent No.2-



University refers to the judgment of Hon'ble Supreme Court in the case of **A.P.J. ABDUL KALAM TECHNOLOGICAL UNIVERSITY AND ANOTHER vs. JAI BHARATH COLLEGE OF MANAGEMENT AND ENGINEERING TECHNOLOGY AND OTHERS** reported in (2021)2 SCC 564 as to maintaining standard of education prescribed in the Universities, however, such guideline issued by the Hon'ble Supreme Court has to be uniformly applied to all the establishment/Schools in the State of Karnataka. The respondent No.2-University forbids to take pick and choose of such Schools situate in the State of Karnataka based on the localities and to impose the condition of having 200 beds, which is *per se* contrary to Notification dated 12th March, 2021 (Annexure-B) issued by the Indian Nursing Council. There is no rational behind to impose such condition of having 200 beds in Bengaluru and Mangaluru Urban areas excluding the other Urban areas in the State. If the arguments advanced by learned counsel appearing for the respondent No.2-University is accepted as to maintain quality of education in those areas and same has to be extended uniformly in entire State of Karnataka to provide enhanced norms and standard of education. Hence, I pass the following:



ORDER

- (i) Writ Petition ***allowed***;
- (ii) Notification dated 23rd November, 2023 (Annexure-D) issued by the respondent No.2-University insofar as prescribing the requirement of 200 bedded parent Hospital for Nursing colleges in Bengaluru and Mangaluru Urban areas is hereby set-aside;
- (iii) The respondent-University is directed to maintain the uniformity in requirement of beds for establishment of Nursing colleges in the State of Karnataka.

**SD/-
(E.S. INDIRESH)
JUDGE**

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List No.: 2 Sl No.: 31