

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 1287 of 2015
Date of decision: 16.09.2015

Jeewan Jot Nursing Institute

....Appellant

versus

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE S.S. SARON
HON'BLE MRS.JUSTICE REKHA MITTAL

Present: Mr. Anil Kshetarpal, Senior Advocate with
Mr. Nitin Kant Setia, Advocate
for the appellant.

None for respondents No.1 and 3.

Mr. Sarbjit Singh, Advocate for respondent No. 2.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

S.S. SARON, J.

This appeal has been filed by the appellant Jeewan Jot Nursing Institute against the judgment and order dated 04.08.2015 passed by the learned Single Judge in CWP No. 24007 of 2014. The appellant filed the aforementioned civil writ petition seeking a direction to the respondents to accept the examination forms of eighteen students as mentioned in Annexure P-5 and allow them to appear in the first year examinations of the General Nursing and Midwifery ('GNM' – for short) Course, which were to be conducted in the months of December, 2014 and January, 2015.

At the time of motion hearing before the learned Single

Judge in the said writ petition, an interim order dated 23.12.2014 (Annexure P-8) was passed, which is reproduced in the impugned order of the learned Single Judge also. In terms of the said interim directions, the students of the appellant – Nursing Institute who were readmitted pursuant to the order dated 19.10.2011 passed in CWP No. 12824 of 2011 were provisionally allowed to take the first year GNM course examinations commencing in January, 2015. It was also directed that the appellant was bound to conform to all other requirements regarding payment of fee, if it had already not been paid and if already paid, the appellant was bound to submit the proof of payment to the respondents university for the eighteen students for whom permission was sought.

The writ petition of the appellant came to be dismissed as the appellant failed to produce proof of having paid the examination fee of eighteen students. Later, a review application No. RA-CW 331 of 2015 was filed inter-alia mentioning that the necessary examination fee, in fact had been filed on 26.12.2014, which was Annexure P-9 on record of the review application. However, the review application was also dismissed on 21.08.2015.

Learned counsel for the appellant submits due to communication gap, it could not be submitted before the learned Single Judge on 04.08.2015 that in fact the examination fees for twenty students who were to appear in the first year GNM course examinations had been paid on 26.12.2014, which is evident from the receipt (Annexure P-9) issued by Punjab Nurses Registration Council-respondent No. 2.

Learned counsel for respondent No.2 accepts that the examination fee had been deposited on 26.12.2014 and the said

fact could not be brought to the notice of learned Single Judge. It is also submitted that if the appeal is allowed, the result of the eighteen students shall be declared by the Punjab Nurses Registration Council-respondent No. 2 in respect of the GNM first year course.

In view of the very fair stand of the learned counsel for respondent No. 2, the appeal is liable to be allowed as the only dispute was whether the examination fee for the eighteen students for whom the writ petition had been filed and were to appear in the first year GNM course examination was paid or not. Resultantly, the impugned judgment and order dated 04.08.2015 and the order dismissing the review dated 21.08.2015 are also liable to be set-aside.

The appeal is accordingly allowed and the impugned order dated 4.8.2015 passed by the learned Single Judge in CWP No.24007 of 2014 as also the order dated 21.8.2015 passed in RA-CW No.331 of 2015 are set aside and the writ petition filed by the appellant is allowed. The respondent No. 2 Punjab Nurses Registration Council shall declare the results of the eighteen students of first year GNM Course examination, who have already taken the examinations in the months of December, 2014 and January, 2015 pursuant to the interim order dated 23.12.2014. There shall be no order as to costs.

(S.S. SARON)
JUDGE

(REKHA MITTAL)
JUDGE

16.09.2015

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