

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3971 of 2015

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Md. Awais (Ex. Sgt.), S/o Late Jamalluddin, Resident of Village Garhani, P.S. Charpokhari, District Bhojpur (Bihar).

.... Petitioner/s

Versus

1. The Union of India through the Director General Employees State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi-110002.
2. The Director General, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi-110002.
3. The Director (Recruitment Medical), Employees State Insurance Corporation, Panchdeep Bhawan, CIG Marg, New Delhi-110002.
4. The Assistant Director (Administration), Employees State Insurance Corporation, Model Hospital, Phulwarisharif, Patna-801505.
5. The Medical Superintendent, Employees State Insurance Corporation, Model Hospital, Phulwarisharif, Patna-801505.
6. The Secretary, Defence Ministry, Government of India, New Delhi.
7. The Secretary, Ministry of Labour, Government of India, New Delhi.
8. The Director General, Employment and Training, Ministry of Labour, Government of India, New Delhi.
9. The Chief of the Air Staff, Air Head Quarter Vayubhawan, New Delhi-110011.
10. The Air Officer Commanding, Air Force Regional Office, Subroto Park, New Delhi-110010.
11. The Secretary, Indian Nursing Council, New Delhi.
12. The Chief Nursing Superintendent, Office of the Director General of Health Services, Government of India, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ful Man Singh, Advocate.
For the Respondent/s : Mr. S.D.Sanjay, Additional Solicitor General.
Dr. Punam Kumari Singh, CGC.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-05-2016

Heard learned counsel for the parties.

2. The order dated 17.09.2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') in O.A.No. 638 of 2014 is the subject matter of challenge in the present writ application. The Tribunal has dismissed the Original Application filed by the petitioner wherein the petitioner claimed relaxation of requirement of registration from the Nursing Council as a condition of appointment as Nurse under the respondents.

3. The petitioner applied for appointment as Staff Nurse. The relevant extract from the advertisement for the post of Staff Nurse, reads as under:

Post:- STAFF NURSE

Educational & Other Qualifications:- (i) Diploma in General Nursing and Midwife or equivalent qualification of male nurse.(ii) Registered Nurse with Nursing Council.

Age:- Age between 18-27 yrs. (Relaxable up to 37 yrs in case of Govt. servant and employees of the ESIC)."

4. The petitioner applied for appointment for the said post on the basis of a certificate of General Nursing granted by the Indian Air Force. On the basis of such certificate, the Nursing Council of India denied registration. Since the petitioner has not a certificate of registration with Nursing Council, he was not treated as eligible for appointment against the post advertised.

5. The Tribunal has rightly dismissed the Original

Application, as the petitioner does not fulfil the minimum eligibility condition of registration with the Nursing Council.

6. In view thereof, we do not find any error in the order of the Tribunal, which may warrant interference in the present writ application. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/Anjani

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