

CWP No.1531 of 2016

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.1531 of 2016
Date of decision:25.05.2016**

Shri Krishna Educational and Welfare Society ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Nitin Kant Setia, Advocate,
for the petitioner.

Mr. Suresh Singla, Addl. A.G., Punjab.

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

Rakesh Kumar Jain, J.

The petitioner-society is running a nursing institute which is affiliated to the Punjab Nurses Registration Council (PNRC). It is alleged that the petitioner has been given permission by the Government of Punjab, Indian Nursing Council (INC) and the PNRC to admit students in the Auxiliary Nursing and Midwifery (ANM) course. Since the PNRC has refused to recognize the admissions made by the petitioner and also to accept the admission forms of the students for the session 2015-2016, therefore, the present petition has been filed.

According to the respondents, the petitioner was to upload the admission forms and other documents online on the PNRC portal before the

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cut-off-date i.e. 31.10.2015 but the login details were given to the petitioner on 02.11.2015. In this regard, the following averments have been made by the petitioner in para 5 of the writ petition:-

“5. That the introduction of system of uploading admission details on PNRC portal was in 2013 and the process earlier was that the institutes had to make admissions, fill in the application forms and submit the hardcopies of forms alongwith requisite documents and admission fee with the PNRC and PNRC then would upload the information/lists of admission on its portal. It was for the first time in the instant academic year 2015-16 that the exercise of uploading the admission information on the portal was assigned to the institutes themselves. It is relevant to mention here that there was no notice given to the institutes regarding the sudden change in admission process and the petitioner institute had been given the login details on 02.11.2015 strangely after the last date 30.10.2015 of uploading the forms had already lapsed due to which the petitioner could not upload the admission forms of the students enrolled with it. The petitioner had, by that time, filled up the admission forms of all the admitted students and was ready to deposit the same with the respondent council when suddenly an SMS was received by the president of the petitioner society from PNRC containing login details of portal. A true copy of the snapshot of SMS dated 02.11.2015 sent by the PNRC containing login details is enclosed herewith as Annexure P-6. On enquiring from PNRC, it was found that it was for the colleges now to make admissions on their own and upload the admission details on PNRC portal. The petitioner immediately approached the PNRC with admission forms of 20 students admitted for the current batch but the PNRC refused to accept them.”

The respondents have made the following averments in reply to aforesaid para 5 of the writ petition:-

“5. That in reply to the contents of Para No.5, it is submitted that the online admission system was adopted in order to remove the deficiencies and this was introduced first time for session 2015-

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16 and it is running successfully. That the institutes were required to upload the admission forms of all the students online before 31.10.2015 but the petitioner-institute did not upload their admission forms before the above-said date and now due to their own fault, they are blaming the online system which is running very successfully.”

From the aforesaid pleadings, it is apparent that the respondents have not denied the averments made in para 5 of the petition wherein the petitioner has alleged that the login details were given to it on 02.11.2015 for which it has also led evidence by attaching the document Annexure P-6, which has not been denied much-less categorically by the respondents, therefore, the averments made by the petitioner are accepted as correct and in that eventuality, since the login details were given by the respondents themselves after the cut-off-date, the petitioner was not at fault in not uploading the admission forms and other documents on the PNRC portal before the cut-off-date.

In this view of the matter, the present petition is hereby allowed and the respondents are directed to accept the admission forms of the students admitted by the petitioner in the ANM course for the session 2015-2016 as early as possible, preferably within a period of one week from the date of receipt of certified copy of this order.

May 25, 2016
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(Rakesh Kumar Jain)
Judge