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

Date of Decision: 09.06.2016

1. CWP No.20512 of 2015

**MATA SUNDRI INSTITUTE OF NURSING AND ORS
.....Petitioners**

Vs

STATE OF PUNJAB AND ANR.Respondents

2. CWP No.22176 of 2015

S.M.L. MEMORIAL SCHOOL OF NURSINGPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

3. CWP No.26766 of 2015 (O&M)

**SAINT SAHARA INSTITUTE OF NURSING SRI MUKTSAR SAHIB
& ANRPetitioners**

Vs

STATE OF PUNJAB AND ANR.Respondents

4. CWP No.26941 of 2015

UNITED SCHOOL OF NURSINGPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

5. CWP No.26378 of 2015

LIFE GUARD NURSING INSTITUTE & ORS.....Petitioners

Vs

STATE OF PUNJAB AND ANR.Respondents

6. CWP No.26451 of 2015

**GURU GOBIND SINGH NURSING TRAINING CENTRE & FREE
HOSPITAL**

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

....Respondents

7. CWP No.10518 of 2016

J.U.S.S. MEMORIAL TRUST

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

.....Respondents

8. CWP No.24934 of 2015

IGES INSTITUTE OF NURSING AND HEALTH SCIENCES

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

.....Respondents

9. CWP No.26118 of 2015

R.P. Welfare Society (Regd.) and others

.....Petitioners

Vs

STATE OF PUNJAB AND ANR.

....Respondents

10. CWP No.26452 of 2015

M. S. EDUCATIONAL SOCIETY

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

....Respondents

11. CWP No.26453 of 2015

SFC INSTITUTE OF NURSING

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

....Respondents

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12. CWP No.26454 of 2015

**FLORENCE NIGHTINGALE INSTITUTE OF NURSING AND
ANOTHERPetitioners**

Vs

STATE OF PUNJAB AND ANR.Respondents

13. CWP No.26455 of 2015

SANT INDER DASS CHARITABLE TRUSTPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

14. CWP No.26456 of 2015

MALWA EDUCATIONAL SOCIETYPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

15. CWP No.26457 of 2015

SIDDHI VINAYAK SCHOOL OF NURSINGPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

16. CWP No.26458 of 2015

SHRI RADHEY KRISHANA SEWA SAMITIPetitioner

Vs

STATE OF PUNJAB AND ANR. ...Respondents

17. CWP No.26460 of 2015

MEHAR SINGH CHARITABLE SOCIETYPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

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18. CWP No.26461 of 2015

GURU NANAK EDUCATION SOCIETYPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

19. CWP No.26462 of 2015

MAHARISHI PARSHU RAM SOCIETYPetitioner

Vs

STATE OF PUNJAB AND ANR.Respondents

20. CWP No.26463 of 2015

**BABA SHEIKH FARID MEDICAL INSTITUTE OF NURSING
.....Petitioner**

Vs

STATE OF PUNJAB AND ANR.Respondents

21. CWP No.26464 of 2015

**BABA SUCHA SINGH INSTITUTE OF NURSING
.....Petitioner**

Vs

STATE OF PUNJAB AND ANR.Respondents

22. CWP No.26465 of 2015

**HIMALAYA MODERN SCHOOL AND SOCIETY
.....Petitioner**

Vs

STATE OF PUNJAB AND ANR.Respondents

23. CWP No.26487 of 2015

**GRD INTERNATIONAL INSTITUTE OF NURSING
.....Petitioner**

Vs

STATE OF PUNJAB AND ANR.Respondents

30. CWP No.26973 of 2015

GURU GOBIND SINGH COLLEGE OF NURSING

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Seemar, Advocate and
Mr. Shivender Pal Singh, Advocate for
Mr. Harkaran Singh, Advocate
for the petitioner(s) in CWP Nos.26941, 26378, 22176,
26791, 26973 and 26451 of 2015.

Mr. Yashpal Sharma, Advocate
for the petitioners in CWP No.26766 of 2015(O&M).

Mr. Sameer Sachdeva, Advocate
for the petitioner in CWP No.26621 of 2015.

Mr. Nitin Kant Setia, Advocate
for the petitioner(s) in CWP Nos.24934, 26118, 26452
to 26458 , 26460 to 26465, 26487, 26492, 26319,
26322, 26782 and CWP No.10518 of 2016.

Mr. B.M. Vinayak, DAG, Punjab.

Mr. J.S. Rattu, Advocate
for respondent No.2-Punjab Nurses Registration
Council in CWP Nos.20512, 24934,, 26118, 26319,
26322, 26452, 26453, 26454, 26455, 26456, 26460 of
2015 and CWP-10518 of 2016.

Mr. Damanbir Singh Sobti, Advocate
for respondent No.2 in CWP Nos.26487, 26492, 26461
to 26465 of 2015.

Mr. Sarbjit Singh, Advocate
for respondent No.2 in CWP Nos.26766 , 26941,
26378, 26451, 26621, 26791, 26782, 26973, 26457,
26458 of 2015.

1. Whether Reporters of local papers may be allowed to see the judgment ?

2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common judgments the CWP Nos.20512, 22176, 26766 (O&M), 26941, 26378, 26451, 24934, 26118, 26452, 26453, 26454, 26455, 26456, 26457, 26458, 26460, 26461, 26462, 26463, 26464, 26465, 26487, 26492, 26621, 26319, 26322, 26782, 26791, 26973 of 2015 and CWP No.10518 of 2016 are being decided as all these writ petitions have common cause of action. For brevity, the facts have been culled out from CWP No.20512 of 2015.

[2]. Petitioners-Institutes seek issuance of appropriate writ in the nature of mandamus directing the Punjab Nurses Registration Council (hereinafter referred to as the 'PNRC') to declare the result of students of ANM first year, whose examinations were conducted in February 2015. They also seek permission *qua* those students, who have cleared the examination in February 2015 by way of taking supplementary examination from 18.09.2015. Declaration of result *qua* ANM IInd year has also been prayed in some of the writ petitions for the students, who have already appeared under orders of this Court for second year examination.

[3]. Petitioners-Institutes are the Institutions of Nursing who

are imparting education in nursing and ANM and GNM courses for some time. The issue involved in the present writ petitions is with regard to ANM course for the session 2013-14. ANM Ist year examination was held in February 2015 and result was withheld in August 2015. In the month of September 2015, supplementary examination was held. By now, all the students have already taken examination of Ist and IInd year either on their own eligibility criteria or under the orders of this Court.

[4]. The facts as emerged on record are that the admission of the students for the session 2013-14, was scheduled to be done on 15.09.2013 by the respondent No.2-PNRC. However the date was extended upto 15.12.2015. Since 15 days time was required for depositing the application form, so, the date of receiving the application form was taken to be 30.12.2015 for all intents and purposes.

[5]. Indian Nursing Council, New Delhi vide letter INC F.No.1-6/2013-INC dated 07.01.2014 in reference to the communication received by it from different quarters had considered the extension of last date of admission to 31.01.2014, but the Punjab Government did not extent the date beyond 15.12.2013/30.12.2013 as noticed above.

[6]. The dispute is with regard to admissions made after cut

off date i.e. 30.12.2013, according to respondent No.2-PNRC. Under Public Interest Litigation CWP No.22704 of 2015 was filed by a public spirited person, however the same was withdrawn with liberty to the writ-petitioner to pursue his remedy before the Authorities. The Authority was also obligated to look into the representation, if so made by the petitioner expeditiously and preferably within a period of two months.

[7]. On the representation so made to the Authority, the Authority took cognizance of the issue and entrusted the inquiry to Chief Secretary, Government of Punjab, who vide letter dated 17.04.2015 entrusted the same to the Secretary Personnel, Government of Punjab. The Secretary Personnel put up the report before the Chief Secretary on 08.06.2015 after getting the same from Secretary, Medical Education and Research, Government of Punjab. The Chief Secretary vide communication dated 30.07.2015 referred the inquiry to the committee consisting of Secretary Personnel, Secretary General Administration and Secretary Vigilance, Government of Punjab. Ultimately the report received from the Committee on 19.08.2014 was put up before the Chief Minister, Punjab on 24.08.2014.

[8]. The aforesaid inquiry report was doubted by the Secretariat of the Chief Minister. On 04.09.2015, the Chief

Secretary again referred the inquiry to Secretary Personnel. The Secretary Personnel constituted eight scrutiny committees on 19.01.2016. The Committees went into the issue and sent the report dated 06.05.2016 to the Chief Secretary, Government of Punjab, however the report was doubted by the Chief Secretary and he again sent the issue of inquiry to the committee consisting of Secretary Personnel, Secretary General Administration and Secretary Vigilance to submit a fresh report. Apparently, the issue regarding admission in the context of complaint is *sub-judice* before the inquiry committee.

[9]. This Court came to the aid of the students and issued notice of motion for assessing the feasibility for providing chance to the students in the examination which were in offing at the relevant time. On 11.12.2015, this Court directed the respondent No.2-PNRC to permit the students of petitioners' Institutes to sit in the examination subject to final decision of the writ petition. However, it was directed that the result of both the Ist and IInd Year of the ANM Course shall not be declared till further orders of this Court. It was also made clear that interim directions issued by the Court were purely provisional in nature and the same shall be subject to final decision of the writ petition.

[10]. Learned counsel for the petitioners have vehemently

submitted that there is a category of students whose forms were submitted in time and were also uploaded by the respondent No.2-PNRC on its website, but still their results have not been declared.

[11]. On a pointed query, learned counsel for the respondent No.2-PNRC has pointed out that certain allegations were made against the Institutes and the competent authority-President of the PNRC vide endorsement dated 18.08.2015 directed that the result of 1st Year of ANM course be declared only for those colleges which are not included in the complaint list. Since the names of the Institutes are given in the complaint list, therefore, result of the students could not be declared.

[12]. Pursuant to the notice by this Court, a short reply was filed by Dr. Manjit Kaur Mohi, Director, Medical Education and Research, Punjab on behalf of respondent No.1. She happens to be the President of respondent No.2-PNRC as well. In the reply filed on behalf of respondent No.1, the steps taken for concluding the pending inquiry have been highlighted. In the concluding part of the said affidavit it was suggested that the answering respondent has no objection to declare the result of those students, if the Court orders to do so in the light of Indian Nursing Council Rules.

[13]. The reference to Indian Nursing Council Rules would reflect that in the light of allegations made against the Institutes, the Principal of the Institute was required to provide eligibility certificate in respect of students, showing that the incumbent had 75% attendance and had fulfilled the eligibility criteria for admission. Concededly, needful has already been done by the Principal of the Institutes in this regard.

[14]. Apparently, the allegations forming the subject matter of inquiry would also touch the aforesaid issue. Learned counsel for respondents No.1 and 2 submitted that the inquiry is *sub-judice* in respect of entire episode, leading to admission of students within the time schedule and beyond that.

[15]. On the last date of hearing, after hearing arguments of both sides to some extent, this Court directed the respondent No.1 to file a status report with regard to further inquiry. Today, pursuant to the said order, a short reply by way of affidavit of Dr. Manjit Kaur Mohi, Director, Medical Education and Research, Punjab on behalf of respondent No.1 has been filed. In this affidavit after detailing numerous events, a prayer has been made that the Committee would take time upto 06.11.2016 for submitting the comprehensive state wise/district wise inquiry report to the Competent Authority.

[16]. I have considered the issue in detail. There are two categories of students. Admittedly, the first category is of those students whose admission forms were submitted before 30.12.2013 and were even uploaded by the respondent No.2-PNRC on its website. Their results have been withheld simply because the allegations were made against the Institutes. The second category is of those students whose admission forms were allegedly not accepted by respondent No.2-PNRC, however on their representation, their forms were only accepted with the intervention of State machinery.

[17]. The fact remains that their application forms of second category were also accepted by the respondent No.2-PNRC with the intervention of the State machinery. The question with regard to withholding of result has relevant nexus with the complaint made in respect of conduct of Institutes of the petitioners.

[18]. Now the issue involves is entirely with regard to the conduct of the Institutes and respondent No.2, for which inquiry committee has been constituted at different levels. As on date, a committee consisting of Secretary Personnel, Secretary General Administration and Secretary Vigilance, Government of Punjab has taken the task of enquiring into the allegations. On two previous occasions, the inquiry was virtually concluded, but on

being doubted, now fresh inquiry is in offing. Though the respondent No.1 has prayed for time upto 06.11.2016 for submitting the final inquiry report, but in considered opinion of this Court and keeping in view the interest of the large number of students, this Court is not in agreement with the date as sought for by the respondent No.1.

[19]. Further, this Court feels that a period of three months is sufficient for submitting the comprehensive report by the respondent No.1 to the Competent Authority, failing which the result of both the categories of the students is required to be declared. So far as first category is concerned admittedly their admission forms were duly submitted within time and even uploaded by the respondent No.2-PNRC on the website.

[20]. So far as the second category is concerned, the application forms though submitted late as alleged by respondent No.2-PNRC, but the same were accepted by respondent No.2-PNRC with the intervention of State machinery. Admittedly, all the students have appeared in the examinations. Future of the students is made dependent on the fate of inquiry of complaint made against the Institutes. In such a scenario, the interest of the students cannot be ignored by giving long time to respondent No.1 to conclude the inquiry.

[21]. Keeping in view, the future of so many students, it would be just and appropriate to direct the respondent No.1 to conclude the inquiry proceedings within a period of three months from today. There shall not be any further extension beyond a period of three months. If the inquiry proceedings are not concluded within the prescribed period, the same would entail in declaration of results of both the categories of students by respondent No.2-PNRC in concurrence with respondent No.1 forthwith.

[22]. On receipt of inquiry report and consequent proceedings thereupon, the aggrieved parties would be at liberty to assail the same in accordance with law.

[23]. With these observations, this bunch of writ petitions is disposed of.

June 09, 2016
Atik

(RAJ MOHAN SINGH)
JUDGE