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

Civil Writ Petition No.21075 of 2015

Date of decision: 4.8.2016

Sardar Patel Medical Institute of Nursing and Hospital

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

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

Ms. Lavanya Paul, Assistant Advocate General, Punjab
for respondent no.1.

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

G.S.SANDHAWALIA, J. (Oral)

The petitioner-institute seeks direction for acceptance of examination forms of 50 students of the ANM Course of 2014-15 batch.

Vide order dated 21.10.2015, the said students were provisionally allowed to appear in the examination which was to be held from 26.10.2015 subject to final decision of the writ petition and with the condition that the petitioner-institute would redeposit the examination fee of Rs.50,000/-.

It is not disputed that in pursuance of the said interim order, the said students have given the examinations.

The case of the petitioner-institute is that permission had been granted by respondent no.2-council on 19.8.2014 (Annexure P/1) to admit 60 students for GNM Course and 50 students for ANM Course. In the present case the dispute is concerned only for the batch of ANM Course and

the list of 50 students has been appended as Annexure P/2. Out of which it is stated that 9 students were recipients of scholarship of the State Government on account of belonging to the reserved category. The said students have also received a sum of ₹ 1,39,428/- as post-matric scholarship from the Government (Annexure P/6).

The petitioner-institute deposited a sum of ₹ 1,10,000/- as admission fee with the respondent-council through draft dated 15.10.2014 (Annexure P/3) vide letter dated 30.11.2014 (Annexure P/4). It is pertinent to mention that in the said letter a specific averment is made that admission forms of GNM and ANM students for the session 2014 were being submitted along with draft in question. It is not disputed that the draft had been duly received as per signature of one Smt. Sudharshan Kumari who was the then Superintendent with the Nursing Council as per affidavit of Smt. Surjit Kaur, Registrar, Punjab Nurses Registration Council, Chandigarh dated 24.5.2016 now filed. Petitioner also appended a receipt dated 4.12.2014 (Annexure P/5) in which the draft number has also been mentioned.

It is further case of the petitioner-institute that it went to deposit a consolidated draft of ₹ 1,76,000/- on account of the examination fee on 20.7.2015 after a period of nine months but respondent-council refused to receive the same on the ground that it did not have the details of 50 students of ANM Course. Resultantly, another draft of ₹ 1,23,900/- dated 21.7.2015 (Annexure P/8) was submitted as examination fee for the students of GNM Course. The last date for depositing the examination fee was 30.9.2015 (Annexure P/9) and when the said students of ANM Course

were not being allowed to sit in the examination, the petitioner-institute has approached this Court.

The plea taken is that the admission forms were lost by the respondent-council and therefore, the students of the petitioner-institute were suffering.

The defence of the respondent-council is that the petitioner-institute never submitted admission forms of 50 students of ANM Course. Accordingly, it was ordered that the fee be returned as the forms were not available on 17.7.2015. The cheque for ₹ 50,000/- was prepared on 1.10.2015 on account of refund of examination fees of 50 students. It was accordingly pleaded that in view of the petitioner-institute did not submit the admission forms and the list of students were not uploaded and enquiry was still going on. List of all the students had been uploaded in April, 2015 and the names of these students were not put on the official website as the admission forms of these students were not received.

Regarding specific averment that admission forms of the said students had been lost, it was averred that there was no lapse on the part of the respondent-council and list of eligible students throughout the State were already uploaded.

Vide order dated 20.5.2015 by this Court, it was directed that the Council would file an affidavit as to how the examination forms are accepted and name of the official who put the signature on letter dated 30.11.2014.

As noticed it has now been averred in the affidavit dated 24.5.2016 that admission forms were received by the Superintendent who

has now retired.

The above sequence of events would go on to show that the petitioner-institute had deposited the requisite admission fee for ANM students along with forms of GNM students at the start of the academic session. If the said students were not on the roll of the institute, it would not have taken on the burden of additional fee of ₹ 50,000/-. The specific reference of ANM students was also made in the letter dated 30.11.2014 (Annexure P/4). As noticed out of 50 students 9 students received scholarship to the tune of ₹ 1,39,428/- from the State Government which would only be on account of having been admitted. It is apparent that thereafter also consolidated examination fee was sought to be deposited in July, 2015 but the same was not accepted by the respondent-council. Therefore from the above facts, it is apparent that the respondent-council did not act upon the said examination forms submitted and it is only after a period of more than 8 months they woke up that examination forms were not available after the students had completed more than 10 months in the course. The cheque was only refunded on 1.10.2015 on which date the petitioner-institute had already approached this Court.

Resultantly, action of the respondent-council cannot be justified in any manner. It was under a bounden duty to have written at an earlier point of time that there was a discrepancy as such and now cannot be allowed to deny the students to give examination.

Accordingly, the present writ petition is allowed. Interim order dated 21.10.2015 is made absolute. The result of the students mentioned in Annexure P/1 shall be declared forthwith and their admission will be

regularised by the respondent-council. They will be allowed to sit in the further examination and complete their studies subject to fulfillment of other eligibility conditions.

August 04, 2016
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(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No