

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

CWP No. 22962 of 2015
Date of decision: 20.12.2016

Salutary Educational Society (Regd.)

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

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

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

Ms. Lavanya Paul, AAG, Punjab.

Mr. J.S. Rattu, Advocate,
for respondent no. 2.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks direction to issue roll numbers to 7 students of ANM course and 1 student of GNM course shown in the list (Annexure P-3) (colly) of the petitioner-institute for the 2014-15 batch and to allow them to appear in the examinations to be held from 28.10.2015.

Vide the interim order dated 26.10.2015, the said students namely Sarita, Suman mentioned at Sr. Nos. 26 and 29 alongwith students at Sr. Nos. 36 to 40 namely Lalita, Manju Jangu, Leharan, Rupender Kaur Brar and Meenu of the AMN course alongwith Raj Kumar s/o Bhagirath for GNM course were permitted to sit provisionally in the examination.

As per letter dated 25.07.2014 (Annexure P-1), the respondent-Council had given provisional permission to admit students in the above two courses to the tune of 40 students for the ANM course and 50 for the GNM course. It is the case of the petitioner that fees for the 90 students was

deposited @ ₹1,000/- on 01.12.2014 (Annexure P-2) which was before the last date of 15.12.2014 for deposit. It is, thus, the case of the institute that the admissions were made well before the cut off date which had been extended to 30.11.2014. The list of the students duly admitted was uploaded as per Annexure P-3 wherein, their names and father's names were duly mentioned. However, in the list uploaded by the respondent (Annexure P-4 Colly), there was a discrepancy regarding the students mentioned at Sr. Nos. 26 and 29 such as instead of Sarita at Sr. No. 26, Sunita was mentioned whereas the father's name was common i.e. Khyali Ram. At Sr. No. 29, the name of the candidate was the same Suman but the father's name had been wrongly mentioned as Bhagi Ram instead of Sukh Ram. Further the case was that only the names of 35 students had been uploaded whereas, the list was of 40 students for which the fees had duly been deposited as per Annexure P-2. Regarding the student of GNM course namely Raj Kumar, there was a mistake in as much as in the list uploaded by the Council as one student namely Mangi Lal was shown at Sr. Nos. 16 and 18 twice instead of Raj Kumar and thus, on this account, counsel for the petitioner submitted that the admit cards had not been issued even though the students were admitted in time.

In the written statement filed, the plea taken is that only 35 admission forms were made available and the petitioner-institute want to change the list of students by adding 5 more names and rectifying the names of the 2 students by changing their names and parentage. The list was uploaded way back in the month of April and the institute had ample time till October. Resultantly, dismissal of the writ petition was sought on account that the institute was not following the guidelines.

To overcome this fact, counsel for the petitioner has relied upon the deposit of the examination fees of the 50 students of the GNM course and the 40 students of the ANM course on 20.07.2015 (Annexure P-5). Accordingly, it has been rightly contended that if there was a dispute as such qua the discrepancy, the Council would have immediately not accepted the full fees both for the admission forms and for the examination forms on a subsequent date. Once having recognized the fact that the petitioner had made full admissions for the sanctioned seats, it could not now turn around and deny the admit cards.

Another factor which is of importance, which is also to be noticed, is that on 12.01.2015 (Annexure P-9), the petitioner had applied for renewal of validity of its affiliation with the Indian Nursing Council. Under Clause No. 9 of the application form, there is a mention of as many as 40 and 50 students for the year 2014-15 which were admitted against the ANM and GNM course. The said application has been duly registered and certified by the then Registrar of the respondent-Council on 13.01.2015. In such circumstances, in the absence of the admission form having not been received by the respondent-Council, the question of Registrar certifying the said application form would not have arisen. It is, thus, apparent that the petitioner is well justified in submitting that there was a total admission made of 90 students and on account of some discrepancies while uploading the list, the necessary details were wrongly incorporated as mentioned above for the parentage and the correct name as 5 students had been left out.

Accordingly, the present writ petition is allowed. Interim order dated 26.10.2015 is confirmed. The above mentioned students who have sat in two examinations under the interim orders dated 26.10.2015 and

04.11.2016 are entitled for declaration of result and entitled to continue with the course.

20.12.2016
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No