

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6791 of 2017

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1. Mitr A N M Training School, Kaiya , Gaya through its Secretary Smt. Anita Rani wife of Shree Shashi Kumar Resident at Budh Vihar, Road No. 3, (Surhari), P.S. Moffassil, P.O. Bhadeji, District- Gaya (Bihar) School Code No. 0501129

.... Petitioner/s

Versus

1. The Chairman, Indian Nursing Council , 8th Floor, NBCC Centre, Plot No. 2, Community Centre, Okhla Phase- I, New Delhi 110020
2. The Indian Nursing Council, through its Secretary, 8th Floor, NBCC Centre, Plot No. 2, Community Centre, Okhla Phase- I, New Delhi- 110020
3. The Secretary, Indian Nursing Council, 8th Floor, NBCC Centre, Plot No. 2, Community Centre, Okhla Phase- I, New Delhi- 110020

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
Mr. Anil Kumar Saxena
Mr. Raghubir Chaudrayan
For the Respondent/s : Mr. Shri Nath Pathak

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 31-10-2017

There was an order, dated 18.09.2017, passed by this Court for the Indian Nursing Council to file counter affidavit. Since no counter affidavit was filed, this Court, by order, dated 10.10.2017, had allowed the Indian Nursing Council to file the same, subject to payment of cost of Rs. 20,000/- to be deposited in the account of Bihar State Legal Services Authority.

I.A. No. 7754 of 2017 has been filed on behalf of NCTE for recall of the said order to the extent that the Indian Nursing Council has been directed to pay the said cost of Rs. 20,000/-.

Mr. S.N. Pathak, learned counsel, appearing on behalf of



the Indian Nursing Council, has submitted that since he was in personal difficulty, he could not rush to the Court in time leading to passing of the said order in his absence.

Considering the submission so advanced and statements made in I.A. No. 7754 of 2017, the order dated 10.10.2017 to the extent that Indian Nursing Council was asked to deposit the cost of Rs. 20,000/- is hereby recalled.

I.A. No. 7754 of 2017 is, accordingly, allowed.

The petitioner's case is for quashing of letter no. F -18-05/12806-INC dated 31.05.2016, whereby the Indian Nursing Council, New Delhi has pointed out certain deficiencies in respect of the petitioner/Mitr, A.N.M. Training School, Kaiya, Gaya for the purpose of grant of recognition for the Session 2016-2017.

The following deficiencies have been pointed out by the Indian Nursing Council:

1. Teaching faculty inadequate:-

- (a) Teaching faculty is not registered with Bihar Nursing Council.*
- (b) Most of the faculty are male faculty as per INC norms 4:1 female male ratio to the teaching faculty to be maintained.*

2. Clinical facilities inadequate:-

- (a) Sub Divisional Hospital, Sherghati @*



Jai Prakesh Narayan Hospital, Gaya is already affiliated to two (2), two(2) nursing institutions.

(b) Number of registered nurses in these Hospitals are very less for the clinical supervision along with the teachers.

3. Laboratory facilities inadequate:-

(a) Pre-Clinical Sciences laboratory not available.

When the matter was taken up on 18.09.2017, in view of the clear stand taken on behalf of the petitioner, the Indian Nursing Council was directed to file counter affidavit within three weeks, bringing on record the statutory or other requirements, which were the basis for pointing out the deficiencies, as contained in the impugned letter.

A counter affidavit has been filed, along with which two documents have been brought on record by way of annexures. Annexure R-1 contains the guidelines and minimum requirements to establish school of nursing. The said document is already there on record as Annexure-5 to the writ application.

On perusal of the said document, it is evident that the said guidelines could not have been the basis for pointing out the deficiencies as done in the letter, dated 31.05.2016.



Annexure R-2 is a letter, dated 24.07.2017, addressed to the Secretary of the petitioner/school. That could also not be the basis for pointing out those deficiencies. The Indian Nursing Council has, thus, failed to produce any statutory or other requirement, which could have been the basis for pointing out the deficiencies as contained in the impugned letter. Consequently, the Indian Nursing Council has failed to justify issuance of the said letter, dated 31.05.2016, pointing out the deficiencies.

In that view of the matter, the plea, taken on behalf of the petitioner, that the deficiencies, which have been pointed out have no basis, deserves to be accepted. The impugned communication, dated 31.05.2016, is, accordingly, set aside.

The respondents are directed to proceed accordingly.

In the facts and circumstances of the case, I consider it fit to impose cost.

This application is, accordingly, allowed with the cost of Rs. 20,000/- to be paid by the Indian Nursing Council to the petitioner within two months from today.

(Chakradhari Sharan Singh, J.)

Rakhi

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	15.11.2017
Transmission Date	

