

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19723 of 2016

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Central A.N.M. Training Institute, Khabra, Muzaffarpur through its
Secretary Ram Kumar, S/o Late Gauri Shankar Thakur, R/o
Chitraguptapuri, Maripur, P.S.-Kazi Mohammadpur, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar represented through Principal Secretary,
Department of Health, Bihar, Patna.
2. The Director in Chief, Department of Health Services, Bihar,
Patna.
3. The Director, Department of Health Services, Bihar, Patna.
4. The Registrar, Bihar Nurses Registration Council, Vikas Bhawan,
New Secretariat, Bailey Road, Patna.
5. The Indian Nursing Council, Combined Council Building, Kotla
Road, Temple Lane, New Delhi through its Secretary.
6. The Chairman, Indian Nursing Council, Combined Council
Building, Kotla Road, Temple Lane, New Delhi.
7. The Secretary, Indian Nursing Council, Combined Council
Building, Kotla Road, Temple Lane, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv.
For the Respondent Nos. 1-3 : Mr. Suryadeo Yadav, A.A.G.-9
For the Respondent No. 4 : Mr. Prabhat Kr. Singh, Adv.
For the Respondent Nos. 5-7 : Mr. Mr. S.N. Pathak, Adv.
Mr. Prashant Kumar, Adv.
Mr. Gautam, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI



SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 13-04-2017

The petitioner seeks a direction to the respondents, in the present proceeding, to extend recognition of A.N.M. Courses of Central Auxiliary Nurse Midwifery (A.N.M.) Training Institute, Khabra, in the district of Muzaffarpur, for the Academic Session 2015-16 and allow the students of the said Institution to appear in the examination of the said Session, which is going to be held from 20.04.2017.

2. Pursuant to order of this Court, dated 30.03.2017, the Secretary, Indian Nursing Council, New Delhi (**INC** in short), is personally present. She was directed to be present in view of a communication, dated 17.02.2016, whereby, the INC had granted permission to conduct A.N.M. Programme for 30 seats for the Academic Session 2015-16.

3. Two facts had made this Court to direct personal appearance of the Secretary, INC. Firstly, in the said communication, dated 17.02.2015, granting permission to run A.N.M. Programme, in the concerned Institution for the Academic Session 2015-16, the Institution was required to submit 2016-17 Renewal/Validity, through State Nurses Registration Council (**SNRC** in short), on or before 15.01.2016. The said date being anterior to date of issuance



of the letter, the Court had expressed displeasure. Secondly, it was pointed out on behalf of the State of Bihar, SNRC and the petitioner also that the said communication, dated 17.02.2016, was never received by them. Finding the peculiar situation, the Court had required the Secretary, INC to be physically present.

4. A detailed counter affidavit has been filed on behalf of the INC (respondent Nos. 5-7), sworn by the Secretary of the Council.

5. In the background of nature of dispute in the present case, I need not go into all those details for two reasons. Firstly, to me it appears that controversy was persisting because neither the State Government nor the SNRC had any information regarding permission granted by the INC. Once, the State Government and SNRC have definite information that INC has granted permission, there cannot be any difficulty for them to proceed now in the matter of grant of recognition for the Academic Session 2015-16.

6. The Director-In-Chief, Health Services (Nursing), Government of Bihar, is also personally present. He assures this Court that the State Government will have no problem now in granting recognition to the said Institute for the Academic Session 2015-16, if a copy of the said communication, dated 17.02.2016, is handed over to him



today formally.

7. This is noteworthy that the students of petitioning Institution have been allowed to appear at the examination, commencing from 20.04.2017. Once, recognition is granted by the State Government, in view of what has been stated by the Director-In-Chief, Health Services (Nursing), Government of Bihar, there will not be any difficulty in publishing their results. Their results are permitted to be published accordingly.

8. Coming back again to the said communication, dated 17.02.2016, which mentions 15.01.2016 as the date by which the Institutions were required to submit Renewal/Validity for the Academic Session 2016-17, through SNRC, learned counsel, appearing on behalf of the INC, has submitted that it was because of sheer mistake and some delay caused by the office of the INC in processing the matters relating to grant of permission. He submits that what ought to have been done much before 15.01.2016, could not be done by that date and, therefore, in subsequent publication, dated 17.02.2016, inadvertently the said date, *i.e.*, 15.01.2016 came to be mentioned. It has, however, been stated by the Secretary, INC, that the requirement of submission of Renewal/Validity for the Academic Session 2016-17, in case of the petitioner, can be



considered even if processed now, by the end of this month. Proforma of validity, submitted to the INC by the end of this month, will be applicable only for the petitioner in the special facts and circumstances of the case.

9. It has been submitted on behalf of the State of Bihar and SNRC that recognition for the Academic Session 2016-17 has been cancelled/withdrawn by the State Government.

10. I need not go into those aspects of the matter in the present proceeding. It will be open to the petitioner to take recourse to remedies, which may be available should the petitioner have any grievance against the said decision of the State Government.

11. This application stands disposed of accordingly.

12. Personal appearance of the Secretary, Indian Nursing Council, New Delhi, stands dispensed with.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.04.2017
Transmission Date	

