

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3299 of 2017**

1. Krishna Patel S/o Late Chandra Kumar Patel, Aged About 29 Years R/o Bajrang Nagar, Kunkuri, District Jashpur Chhattisgarh
2. Sunita Patel, W/o Krishna Patel, Aged About 25 Years R/o Banrang Nagar, Kunkuri, District Jashpur Chhattisgarh
3. Trilochan Yadav, S/o Banshidhar Yadav, Aged About 25 Years R/o Village Bataikela, Tahsil Kansabel, District Jashpur Chhattisgarh
4. Rajeshwari Soni, D/o Lohar Sai Soni, Aged About 22 Years R/o Village Kotba, Tahsil Pathalgaon, District Jashpur, Chhattisgarh
5. Preeti Kashyap, D/o Madan Mohan Kashyap, Aged About 21 Years R/o Village Jambahar, Tahsil Pharsabahar, District Jashpur Chhattisgarh
6. Pushpalata, D/o Habir Chandra Yadav, Aged About 20 Years R/o Village Jharmunda, Tahsil Pharsabahar, District Jashpur Chhattisgarh
7. Santoshi Das, D/o Jitendra Das, Aged About 21 Years R/o Village Peramara, Tahsil Pharsabaharm District Jashpur Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Mantralaya Capital Complex, New Raipur District Raipur Chhattisgarh
2. Indian Nursing Council, Through The Registrar-Cum- Secretary, Indian Nursing Council, 8th Floor, B N C C Centre, Plot No. 2, Community Centre, Okhla, Phase- I, New Delhi.
3. Director, Medical Education, Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh
4. Deendayal Upadhyay Memorial Health Science And Aayush University, Chhattisgarh Through The Registrar, Deendayal Upadhyay Memorial Health Science And Aayush University, Chhattisgarh Great Eastern Road, Aamanaka, Raipur Chhattisgarh
5. Chhattisgarh Nurses Registration Council, Through Its Registrar, Old Nurses Hostel, Directorate Health Services Raipur Chhattisgarh
6. Apaar Institute Of Nursing, Kunkuri, Through The Director, Apaar Institute Of Nursing, Kunkuri, District Jashpur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Malay Shrivastava, Advocate.
For Respondents	:	Mr. N. K. Vyas, Advocate.
For Respondents/State	:	Mr. Dhiraj Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/12/17

1. The Director, Medical Education and the Chairman of the Committee have fixed the last date for admission in B.Sc. Nursing Course for the academic year 2017-18 as 20.11.2017 and thereafter, this writ petition has been filed by the petitioners on 29.11.2017 stating that they are eligible for admission in the B.Sc. Nursing Course and the respondent No. 5 has made an application to the respondent No. 2- Indian Nursing Council, New Delhi for extension of date of admission till 30.11.2017 but till date it has not been considered and, therefore, the petitioners have prayed that Hon'ble Court may be pleased to direct the respondent No. 2 to extend the time for admission in B.Sc. Nursing Course for the academic year 2017-18.

2. Learned counsel for the petitioners submit that recently affiliation has been given to respondent No. 6 for admitting the students for B.Sc. Nursing Course, therefore, the respondent No. 2 – Indian Nursing Council be directed to extend the time for admission in B.Sc. Nursing Course in the state of Chhattisgarh. To buttress his submissions he relied upon the judgment rendered by Jharkhand High Court in the matter of **Anirudh Chatterjee and another v. State of Jharkhand and others**¹.

3. On the other hand, Mr. Vyas, learned counsel appearing for Indian Nursing Council submits that the time line fixed for admission in the technical course cannot be extended and the time line fixed for admission in the B.Sc. Nursing Course has already been expired on 20.11.2017. He further submits that in view of the authoritative and binding decision of Hon'ble Supreme Court in the matter of **Parshavanath charitable Trust & Ors. v. All India**

¹ AIR 2004 Jhar 111

Council for Tech. Edu & Ors.² with regard to the Engineering admission has held as under :-

“ Para 35. The sequel to the above finding is that the appellant college could not have been included in the counseling for the current year. Even otherwise, the last date for admission was 30th August, 2012, which is since over and we see no reason whatsoever to extend this date. We have already noticed various judgments of this Court stating that the Court is required to strictly construe and comply with the schedule for admission. Even on that count, the appellant would not be entitled to any other relief.”

4. I have heard learned counsel for the parties at length, considered their rival submissions and also gone through the record with utmost circumspection.

5. The time line as fixed by the competent authority for admission in B.Sc. (Nursing) Course expired on 20.11.2017 and no writ can be issued under Article 226 of the Constitution directing Indian Nursing Council to extend the time line for admission of students in said course. The respondents' college with whom the petitioners are willing to get admission has not filed any such petition, even it is not on record as to whether respondent No. 5 is recognized by Indian Nursing Council to admit students of B.Sc. Nursing. I do not find any merit in the writ petition.

6. Accordingly, the writ petition fails and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge