

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 89 of 2016**

- Murari Gupta S/o Shri Bhagirath Lal Gupta, Aged About 58 Years
R/o Handi Chowk Sevakunj, Raigarh, District Raigarh,
(Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, (Chhattisgarh)
2. Director, Directorate Of Medical Education, Old Nurses Hostel Bhawan, D.K.S. Mantraya Parisar, Raipur, (Chhattisgarh)
3. Late Lakhiram Agrawal Smriti Medical College, Raigarh, Through Its Dean, Bendrachuwa, Raigarh, (Chhattisgarh)
4. Government Nursing College, Raigarh, Through Its Principal, Beladula Road, Raigarh, (Chhattisgarh)
5. Medical Council Of India, Through Its Chairman, New Delhi
6. Indian Nursing Council, Through Its Chairman Combined Councils Building, Kotla Road, Temple Lane, New Delhi- 110002

---- Respondents

For Petitioner	: Shri Mateen Siddiqui and Ms. Ruchi Nagar, Advocates
For State	: Shri Y.S. Thakur, Additional Advocate General
For UOI	: Shri N.K. Vyas, Assistant Solicitor General
For MCI	: Shri R.S. Marhas, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

Order On Board

Per Thottathil B. Radhakrishnan, Chief Justice

18.07.2017

1. This writ petition is filed as Public Interest Litigation challenging Annexure P/1 issued by the Director, Medical Education to the Dean, Medical College, Raigarh.
2. We have heard the learned counsel for the petitioner, the learned Additional Advocate General, the learned Assistant Solicitor General and the learned Counsel for Medical Council of India.
3. The complaint attempted to be espoused by the petitioner through this Public Interest Litigation is against the proposal of the Government as reflected to by Annexure P/1, to shift a Nursing Education Institution to the premises of the Medical Education Institution. Whether such shifting should be permitted and whether that will be opposed to any of the provisions governing Medical Education and/or Nursing Education, are matters best left to the wisdom of those dealing with the fields of Medical Education and Nursing Education, particularly, the Medical Council and the Nursing Councils. We are of the view that those institutions of governance would be concerned with the conduct of Medical Education Establishments and Nursing Education Establishments. We do not see any issue in the attempt of the Government to shift the Nursing Education Establishment to the premises of the Medical Education Establishment, to be considered in a Public Interest Litigation. We cannot also ignore the fact that the two sectors namely Medical Education and Nursing Education are so

interconnected with mutual dependency, even in the field of education. That is not a reason to be visited through the adjudicatory process and resultant judgment of the judicial forum through a Public Interest Litigation on the basis of the pleadings on record. Obviously, it is with the Medical Council of India and Nursing Council concerned to review issues relating to facilities as and when they arise for consideration from time to time. We are therefore, of the view that no grounds exist to interfere with Annexure P/1 through this Public Interest Litigation. This Writ Petition therefore fails.

4. In the result this Writ Petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge