

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.29169 OF 2014
&
CONTEMPT CASE No.421 of 2015

DATED : 13.07.2017

W.P.No.29169 of 2014 :

Between :

St.Joseph School of Nursing, Visakhapatnam,
Rep., by its Secretary & Correspondent,
Ms.Reddy Sunitha D/o.Reddy Venkateswara Rao Dora,
Aged about 27 yrs, R/o.D.No.16-5-14,
Official Colony, 2nd Lane,
Near Collectorate, Maharaniipet,
Visakhapatnam.

.. Petitioner

And

The Government of Andhra Pradesh,
Medical & Health Department,
Rep., by its Principal Secretary,
Secretariat, Hyderabad & another.

.. Respondents

C.C.No.421 of 2015 :

Between :

St.Joseph School of Nursing, Visakhapatnam,
Rep., by its Secretary & Correspondent,
Ms.Reddy Sunitha D/o.Reddy Venkateswara Rao Dora,
Aged about 27 yrs, R/o.D.No.16-5-14,
Official Colony, 2nd Lane,
Near Collectorate, Maharaniipet,
Visakhapatnam.

.. Petitioner

And

Sri.L.V.Subramanyam,
Principal Secretary,
Medical & Health Department,
State of Andhra Pradesh,
Secretariat Buildings, Hyderabad & another.

.. Respondents

This court made the following :

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COMMON ORDER :

Petitioner is a Nursing School established in the year 1998. In the present writ petition the grievance of the petitioner is that petitioner-School is not permitted to fill up 60 seats in general nursing course for the academic year 2014-15. This Court by way of interim order dated 09.10.2014 made in W.P.M.P.No.36477 of 2014, held that petitioner is entitled to admit up to 60 students. Alleging violation of the said direction, C.C.No.421 of 2015 is filed.

2. During the course of arguments learned counsel for the petitioner informs the Court that Management has admitted 40 students for the academic year 2014-15 and they are prosecuting their course of study and they will be completing three years during this academic year. Learned counsel also submits that though petitioner-School is entitled to admit 60 students, it could admit only 40 students, whereas, the respondents are treating the competency of the school to admit only 30 students, thereby depriving the recognition of the course pursued by the remaining students and their entitlement to appear in the final examinations.

3. Earlier Government passed orders in G.O.Ms.No.214 dated 13.06.2008 reducing the intake capacity of the petitioner-School from 60 to 30. Aggrieved by the said order petitioner filed W.P.No.17052 of 2010. By judgment dated 26.12.2013, the writ petition was allowed setting aside G.O.Ms.No.214 dated

13.06.2008. However liberty was granted to the authorities to hold enquiry afresh against the petitioner by giving notice and opportunity of being heard.

4. It is the case of the petitioner that after the judgment of this Court in the above writ petition and before commencement of the academic year 2014-15, no further action was taken by the respondents and the earlier permission granted to the petitioner to admit 60 students remained in force and the reduced admission capacity as ordered by the Government in G.O.Ms.No.214 stood annulled by this Court.

5. These basic facts are not in dispute. However, learned Government Pleader sought to contend that subsequently inspection was conducted and serious infirmities were noticed while conducting inspection and appropriate action is being taken.

6. The only issue for consideration in this writ petition is whether the petitioner-School is entitled to admit students up to 60 in number for the academic year 2014-15.

7. It is not in dispute that by the time the academic year 2014-15 commenced no further action was taken penalizing the petitioner-School or reducing the intake capacity of the petitioner-School. Thus, for the academic year 2014-15 petitioner-school was entitled to admit up to 60 students. However, the petitioner-school could admit only 40 students. Thus, all the 40 students admitted during the academic year 2014-15 are entitled to prosecute their course of study and also entitled to appear in the final examinations that may be conducted by the competent authority. Since the orders of the Government in G.O.Ms.No.214 were set

aside by this Court and no further orders were issued before commencement of the academic year 2014-15, this writ petition is disposed of directing the respondents to validate admission of all 40 students by the Petitioner-School for the academic year 2014-15 and to permit all the students to prosecute the course of study and to appear for examinations, if they are otherwise eligible and qualified. Writ petition is accordingly disposed of.

8. At this stage learned counsel for the petitioner submits that knowing the attitude of authorities a problem might arise in the matter of admission for the students for the subsequent academic years and prays further directions covering subsequent academic years also. As noted above, the prayer in the writ petition is confined to 2014-15 academic year only. If petitioner has any grievance regarding admission of students by the petitioner-School for the subsequent academic years, it is open to avail such remedies as available in law.

9. Learned counsel for the petitioner submits that since the writ petition is disposed of finally, the contempt case can be closed. Recording the said submission, C.C.No.421 of 2015 is closed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

P.NAVEEN RAO,J

13th July, 2017
Rds

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