

**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.22676 of 2016
Date of Decision:13.02.2017**

**Bibi Chhan Kaur College of Nursing
Vs.
State of Punjab and others**

**.....Petitioner

.....Respondents**

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. J.S. Dahiya, Advocate for the petitioner.
Mr. Suresh Singla, Addl. AG, Punjab.
Mr. Munish Jolly, Advocate for respondent No.2.

RAKESH KUMAR JAIN, J.(Oral)

Reply on behalf of respondent No.2 and replication to the said
reply is filed in Court.

The petitioner has challenged the validity of the orders dated
20.4.2015 (Annexures P.15) and 23.7.2015 (Annexure P.19) by which the
course offered by the petitioner of Post basic B.Sc. (N) was closed from the
Session 2014-15 and the Course of B.Sc. (N) was closed from the session
2015-16.

There is no denial to the fact that the petitioner had filed an
application for renewal/ validity for the session 2016-17 in which it is
categorically mentioned that there were 20 seats offered to the petitioner for
Post Basic B.Sc.(N) in the session 2012-13 and 2013-14. There was no
admission at all, therefore, in the session 2014-15, the said programme was
ordered to be closed. Similarly, in the B.Sc. (N), 40 seats were offered to
the petitioner but it could fill only one seat in the session 2013-14 and 4
seats in the session 2014-15, therefore, the petitioner was not allowed to

offer admissions in the session 2015-16.

Counsel for the respondents has relied upon the Resolutions approved by Government Body of the Indian Nursing Council for Improvement of Nursing Education in which it is provided that “if no admissions are made for two consecutive academic years, then it shall be considered as closed. If the institution wants to restart the programme, they have to submit the first inspection fees within 5 years, i.e. from the year they did not have admissions. Guidelines of the year wherein institute was first permitted will be applicable.”

Learned counsel for respondent No.2 has submitted that Indian Nursing Council (INC) has passed the order within the framework of the aforesaid resolution approved by the Governing Body because the petitioner- Institute failed to offer any admission in the Post Basic B.Sc. (N) in the sessions 2012-13 and 2013-14 which is evident from their own admission contained in the application, filed by the Institution seeking renewal/ validity for the session 2016-17.

Counsel for the petitioner, however, submits that in any case, the petitioner had offered admission in the B.Sc. (N) to the extent of one seat in the year 2013-14 and four seats in the session 2014-15 out of 40 seats, therefore, the respondents cannot be allowed to urge that there was no admission in the previous two years when the course offered by them was closed from the session 2015-16 in terms of the aforesaid provisions of the resolution/ guidelines.

In reply to this, counsel for the INC has submitted that offering of one seat out of 40 seats, for a course would not mean that no course was

being carried on by the Institution because in the B.Sc. (N) five subjects are being taught and one teacher is to be kept for each subject besides proving the facility of clinical and infrastructural which have to be maintained by the Institution. It is also submitted that admission of one or even four students is as good as no admission at all keeping in view the number of 40 seats offered to the petitioner.

After hearing counsel for the parties at length and examining the available evidence on record, I am of the considered opinion that there is no fault on the part of the respondents who have passed the order within the framework of the guidelines which is still in vogue and provides that if no admissions are made for two consecutive academic years then the said programme offered by the College/ Institution shall be deemed to be closed but the said institution would, however, be entitled to restart the programme in accordance with law. Since there was no admission in the session 2012-13 and 2013-14 in Post Basic B.Sc.(N), the respondents have rightly declined the admission in the session 2014-15. Insofar as B.Sc.(N) is concerned, though there was one admission in the session 2013-14 and four admissions in the session 2014-15 but keeping in view the number of seats offered to the petitioner i.e. 40 in all, the said admissions shall be considered as no admission in the eyes of law for the purpose of allowing the petitioner to continue with the course. The writ petition is thus without any merit and the same is hereby dismissed.

February 13, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No