

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

Letters Patent Appeal No.464 of 2017 (O&M)  
Date of Decision: 28.3.2017

Bibi Chhan Kaur College of Nursing, old Cinema Road, Sardulgarh  
District Mansa.

..Appellant.

Versus

State of Punjab and others ..Respondents

ORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Nitin Kant Setia, Advocate, for the appellant.

RAMENDRA JAIN, J.

1. The appellant has filed this instant Letters Patent Appeal under Clause X of the Letters Patent, challenging the judgment dated 13.2.2017 passed by the learned Single Judge, dismissing Civil Writ Petition No.22676 of 2016 filed by the petitioner (appellant herein).

2. The facts necessary for the disposal of this appeal are that the appellant-Nursing Institute is recognised by the Indian Nursing Council, Combined Council Building, Kotla Road, Temple Lane, New Delhi (respondent no.2) ( for short “INC”) and is affiliated with Baba Farid University of Health Science, Faridkot (for short “BFUHS”). The appellant was granted permission to run nursing courses, namely, B.Sc (Nursing) and Post Basic B.Sc (Nursing), after thorough inspections made by the Government of Punjab, BFUHS and INC. That apart, the appellant/Institute is also running GNM (General Nursing and Midwifery), Diploma Course.

After the permissions were granted by the INC and BFUHS to the appellant-Institute, admissions to B.Sc (Nursing) and Post Basic B.Sc (Nursing) are being made through counselling held by BFUHS since 2009. The respondent-Council, vide order No. F.No.18-26/4225-INC dated 23.7.2015, denied to renew the validity of B.Sc (Nursing) and Post Basic B.Sc (Nursing) courses from Session 2015-16 onwards on account of the fact that the appellant-Institute did not get any admission for the last two years viz, 2013-14 and 2014-15. It is agitated by the appellant-Institute that the reason assigned by the affiliated body is contrary to the record, inasmuch as in the letter dated 16.10.2015 (Annexure P-21) issued by BFUHS to the INC, it has been categorically stated that for academic sessions 2012-13 to 2014-15, in the aforementioned two courses, the appellant-Institute had done admissions, as per the table showing the details of the admitted students, which reads as follows:-

| <i><b>Sr. No.</b></i> | <i><b>Session</b></i> | <i><b>B.Sc(N) course</b></i> | <i><b>Post Basic B.Sc (N) course</b></i> |
|-----------------------|-----------------------|------------------------------|------------------------------------------|
| 1                     | Session 2012-13       | 14                           | 3                                        |
| 2                     | Session 2013-14       | 1                            | 4                                        |
| 3                     | Session 2014-15       | 4                            | Nil                                      |

However, despite the information being sent to the respondent-council, the recognition was denied to the appellant-Institute for the simple reason that the appellant-Institute does not have any admission for the preceding years. Subsequently, the appellant-Institute wrote many letters to grant permission to it for making admissions in the aforementioned two courses, but the request made by the appellant/Institute was not acceded to. Finding no other alternative, the appellant-Institute knocked at the door of this Court by filing Civil Writ Petition No.22676 of 2016, which was dismissed vide order dated 13.2.2017 passed by the learned Single Judge.

3. Learned counsel for the appellant has vehemently contended that the learned Single Judge, while passing the impugned judgment dated 13.2.2017, did not appreciate the fact that the affiliating body (BFUHS) had issued a letter dated 16.10.2015 (Annexure P-21) clearly stating therein that the appellant-Institute had admissions for the academic years in question. The finding recorded by the learned Single Judge that the appellant-Institute did not get any admissions for the academic years 2012-2013 and 2013-14 in Post Basic B.Sc (N) course, is erroneous being contrary to the record. It was also urged that inspite of observing that for B.Sc (N) Course, there was one admission in the Session 2013-14 and for admissions in the Session 2014-15, yet discontinuation of the said course was upheld. Learned counsel for the appellant has also laid much stress that the learned Single Judge has committed a grave error in not taking into consideration the resolution dated 29.10.2014 approved by the governing body of the INC for improvement of Nursing Education, wherein a stipulation has been laid down that in case 'no' admission is made for the last two consecutive years, the course would be deemed to be closed. The appellant had 'less' or 'very less' admissions as per chart but it could not be equated with 'No' admission.

4. We have heard learned counsel for the appellant at length, perused impugned judgment dated 13.2.2017 passed by the learned Single Judge and gone through the case file carefully.

5. There is no denying the fact that appellant-Institute got recognition and affiliation for the two courses, namely, B.Sc (Nursing) and Post Basic B.Sc (Nursing) from BFUHS and INC. Vide letter dated 16.10.2015, (Annexure P-21), the BFUHS informed the Secretary, INC,

New Delhi that during inspection of the appellant-College by the BFUHS, it transpired that since the appellant-Institute did not make any admission to B.Sc (Nursing) and Post Basic B.Sc (Nursing) programme for the last two years, therefore, the institution is being considered as closed for the aforementioned courses. The stand taken by the appellant-Institute is that their college had not been updated by the INC for B.Sc (Nursing) and Post Basic B.Sc (Nursing) for the Session 2015-16. It is an admitted fact that in the application filed by the appellant-Institute for renewal/validity for the academic session 2016-17, it has been specifically mentioned that out of 20 seats offered to the appellant-Institute for Post Basic B.Sc (Nursing) for the session 2012-13 and 2013-14, there was no admission at all and in B.Sc (N) Course, out of 40 seats offered to the appellant-Institute, it could fill only one seat for the session 2013-14 and 04 seats for the academic session 2014-15 and, therefore, the appellant-Institute was denied the offer to make admissions for the session 2015-16. The finding recorded by the learned Single Judge that keeping in view the number of seats offered to the appellant-Institute, the said admissions shall be considered as no admission in the eyes of law for the purpose of allowing the appellant-Institute to continue with the courses, cannot at all be said to be erroneous or unreasonable, especially when it is evident from their own admission, as is shown in the table referred to preceding paragraph of the judgment, that during the academic sessions in question, the number of students admitted for the aforementioned two courses were so less that the appellant-Institute, in the given circumstances, could not continue with the same in the session 2015-16. Therefore, both the contentions raised by the learned counsel for the appellant, as noted above, in our considered view, are not tenable

thereby entitling the appellant-institute to seek renewal/validity of the courses for the session 2016-17.

6. In view of the foregoing reasons recorded hereinabove, we do not find any infirmity or impropriety in the impugned judgment dated 13.02.2017 passed by the learned Single Judge that may warrant interference by this court.

7. The Letters Patent Appeal is, accordingly, dismissed.

C.M. No.960-LPA of 2017

8. There is a delay of 09 days in filing the appeal. Since the main appeal has been dismissed on merits, no further orders are required to be passed in the application for condonation of delay in filing the appeal and the same is left open.

9. Registry is directed to bring this order to the notice of the respondents so as to avoid any concealment of this order by the appellants.

( RAMENDRA JAIN )  
JUDGE

( AJAY KUMAR MITTAL )  
JUDGE

28.3.2017  
VK

|    |                           |        |
|----|---------------------------|--------|
| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable        | Yes/No |