

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6767 of 2017

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Dr. Mishra Institute Of Nursing through its M. D. Cum Chairman Angad Prasad Mishra, Mishra Campus, Son of late Ramashish Mishra, Resident of Mohalla- F- 100 P.C. Colony, P.S. Kankarbagh, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Health, Bihar, Patna.
2. The Director General (Nursing), Department of Health, Bihar, Patna.
3. The Secretary, Department of Health, Bihar Patna.
4. The Special Work Officer, Department of Health, Bihar, Patna.
5. The Secretary Indian Nursing Council, New Delhi.
6. The Registrar Bihar Nursing Council, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha
For the Respondent/s : Mr. BINOD KR. YADAV- SC18
Mr. Aditya Nath Jha, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-01-2018 Heard learned counsel for the parties.

2. This application has been filed seeking quashing of letter, dated 07.04.2017, issued by the Director-in-Chief (Nursing), Department of Health, Government of Bihar, whereby recognition of the petitioner-Institution has been cancelled on the ground of non-availability of own building in the name of trust/institution, as per guidelines of the Indian Nursing Council.

3. It seems that the institution in question was granted recognition to run A.N.M. Course for the academic year 2016-17.

4. Learned counsel appearing on behalf of the petitioner could not dispute the fact that there is no building in the name of trust/institution. He also does not dispute the fact that this is one of the requirements of grant of



recognition. He, however, submits that since the institution has given admission to students for the academic year 2016-17, on due verification and satisfaction that it fulfills the requisite criteria for the same, the students would not be allowed to suffer.

5. He has relied on decision of this Court dated 28.07.2016, passed in *CWJC No. 10597 of 2016, (A I H E A N M School Jamasaut, R. K. Puram Road Vs. State of Bihar and Ors)* wherein this Court allowed the students of the institution in question to appear for the examination.

6. Evidently, the impugned decision is dated 27.04.2017. The institution was granted recognition prior to that. If that be so, while not interfering with the impugned decision, it is directed that if the examination of 2016-17 has not commenced, the students of the institution should be allowed to appear for the examination, if the institution fulfills other criteria in that regard.

7. This application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

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