

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3411 of 2015

In

Civil Writ Jurisdiction Case No. 19121 of 2012

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S.A. Institute of Nursing, Sialo, Nalanda through its Secretary namely Salman Akhtar Son of Late Akhtar Alam resident of Village- Sakunat Kalan, P.O. + P.S. - Biharshairf, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna namely Shri Brajesh Mehrotra Son of not known to the petitioner
2. Shri Brajesh Mehrotra Son of not known to the petitioner at present the Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
3. Dr. R.D. Ranjan Son of not known to the petitioner at present the Director In-Chief, Health Services, Department of Health, Govt. of Bihar, New Secretariat, Patna.
4. Smt. Mumun Mishra W/o not known to the petitioner the Examination Controller, Department of Health, Govt. of Bihar, New Secretariat, Patna.
5. Dr. R.D. Ranjan S/o not known to the petitioner. the Chairman cum Director-in-Chief, Bihar Nurses Registration Council, New Secretariat, Bihar, Patna.
6. Bihar Nursing Registration Council through its Registrar namely Smt. Mummun Mishra W/o not known to the petitioner P.H.E.D. Bhawan, 1st Floor, Bailey Road, Patna - 15.
7. Smt. Munmun Mishra W/o not known to the petitioner The Registrar, Bihar Nursing Registration Council, P.H.E.D. Bhawan, 1st Floor, Bailey Road, Patna - 15.
8. Indian Nursing Council through its Secretary, Mrs. Surekha Sama W/o not known to the petitioner Joint Council Bhawan, Kotla Road, Temple Lane, New Delhi - 110002.
9. Mrs. Surekha Sama W/o not known to the petitioner The Secretary, Indian Nursing Council, Joint Council Bhawan, Kotla Road, Temple Lane, New Delhi - 110002.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. S. Raza Ahmad

Mr. Md. Kamil Akhstar, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



3 03-08-2018 The order dated 18.12.2012 passed in CWJC No. 13556 of 2012, disobedience whereof, has been complained of in the present petition, contains the following directions:-

“In view of the aforesaid discussions as made above, this Court finds that the letter dated 09.01.2012 issued by the Secretary of the Indian Nursing Council has no force and is against the provision of the Bihar & Orissa Nurses Registration Act 1935 as well as Rules 1997 and as such the letter dated 09.01.2012 issued by the Indian Nursing Council is hereby quashed. The Petitioners are directed to continue with their Academic Programme in accordance with law. In view of the inspection report submitted by the duly constituted inspecting team of the State Govt. as per Rules 1997 as well seeing the careers of the students pursuing their studies, the State Govt. is directed to issue the order of recognition in favour of the Petitioners’ Institutions from the Session 2012-13 within one week from today and if the formal order of recognition is not issued by the State Govt. within the aforesaid stipulated time frame, the Indian Nursing Council, New Delhi is directed to accept the proposal of the Petitioners’ Institution in view of the Public notice dated 06.07.2012 with Late Fine treating the Petitioners as recognized Institutions if the same is applied along with Certified Copy of the present order. It is made clear that benefit of order should be restricted to Petitioners only.

With the aforesaid direction/observation, the Writ Petitions are allowed.”

It is clear from the aforesaid order that in case order of recognition is not issued in favour of the petitioners’ institution, the Indian Nursing Council, would continue to accept the proposal of the said institution for the purposes of conducting the examination of the students of the said institution.



It is submitted by the learned counsel for the petitioner that though the petitioners' institution has not been granted recognition till date, however, the State Government is still continuing to accept the candidature of the students of the said institution for the purposes of conducting the examination of students of the said institution.

In view of the aforesaid, the present petition is disposed of while reiterating the directions of the writ petition to the effect that till the time the case of the petitioners' institution is considered for grant of recognition, the Government would continue accepting the candidature of the students of the institution for the purposes of conducting examination. .

(Mohit Kumar Shah, J)

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