

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3447 of 2015

In

Civil Writ Jurisdiction Case No. 20142 of 2012

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Chanakya Institute of Health Education and Research through the Chairman cum Managing Trustee, Chanakya Foundation namely Ashok Gagan, aged about 42 years, Son of Late Shri Narayan Sharma, Chanakya Nagar, Beli Road, P.S.- Khagaul, Patna.

.... 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. Dr. Jagdish Prasad, Son of not known to the Petitioner, at present the Director, Department of Health, Govt. of Bihar, New Secretariat, Patna.
5. Dr. Jagdish Prasad, Son of not known to the Petitioner, at present the Deputy Director, Health Services, Department of Health, Govt. of Bihar, New Secretariat, Patna.
6. Mrs. Surekha Sama, W/o of not known to the Petitioner, The Secretary, The Union of India, Nursing Council of India, Joint Council Bhawan, Kotla Road, Temple Lane, New Delhi- 110002.
7. The Secretary, namely, Mrs. Surekha Sama, W/o not known to the petitioner, Nursing Council of India, 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. Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 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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