

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2223 of 2015

In

Civil Writ Jurisdiction Case No. 20142 of 2012

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Holy Mission School Of Nursing Nalanda through the Secretary of Swami Vivekanand Educational and Social Welfare Trust namely Prabhat Singh, aged about 58 years, Son of Shri Chandrakant Prasad Singh, Resident of Village-Bakhtiyarpur Main Road, P.O.+P.S.-Bakhtiyarpur, District-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, wife 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, wife of 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 : None

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

8 16-08-2018

No one appears on behalf of the petitioner to press this application.

The contempt application was preferred alleging willful disobedience to the order dated 08.01.2013 passed in



CWJC No.20142 of 2012 wherein upon considering the materials available on the record the learned Writ Court issued following directions:-

“In view of the aforesaid discussions as made above, this Court in C.W.J.C. No. 13556/2012 has already held 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 has been quashed. This court further holds that the State Govt. is the competent authority to grant recognition for conducting ANM Course. In view of the Inspection report submitted by the duly constituted inspecting team of the State Govt. as per Rules 1997, the State Govt. is hereby directed to issue the order of recognition in favour of the Institutions for the seats recommended by the Inspecting team within one week from the date of receipt of certified copy of the present order by the Petitioners and if the order of recognition is not issued by the State Govt. within the aforesaid stipulated time frame, the Institutions will initiate the process of Admission after taking entrance test on the recommended Seats for the ongoing Session by publishing an Advertisement in the Daily News Paper and will continue their Academic Programme in accordance with law.



The State Govt. would also send the list of students to the respective Institutions who would pursue their studies under the reserved Quota of State Govt. as per section 5(i) of the Rules 1997 within a period of four weeks. The State Govt. would take all steps in accordance with law so that the career of the students pursuing their studies in the Institution may not spoil for latches on their part. The State Govt. would complete all the formalities on their part in the meanwhile for sending the list of the Institutions to be inspected by the Indian Nursing Council in accordance with law.”

Earlier the respondents had taken time to fully comply the order passed by the learned Writ Court. Today, learned counsel representing the State has placed before this Court a copy of the order as contained in memo no.716 dated 10.08.2018 and submits that now the order of the learned Writ Court has been complied with by granting recognition to the course of ANM Training for the Session 2013-15, 2014-16, 2015-17 and 2016-18 in the light of the inspection note of the Committee constituted for this purpose in accordance with law.

Taking note of the aforementioned facts and the order dated 10.08.2018, a copy of which has been placed on the record and the fact that nobody appears on behalf of the petitioner



to press this application, this application is dismissed.

(Rajeev Ranjan Prasad, J)

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