

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19219 of 2017

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J. N. Nursing Institute, T.B.D.C. Road, Darbhanga through its Secretary, namely, Dr. Nawal Kishore Sahu, aged about 58 years, Son of Late Jagdish Narayan Sahu, Resident of Mohalla- Madarpur, P.O. Darbhanga, P.S. Laheria Sarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, New Secretariat, Patna.
3. The Director In- Chief, (Nursing), Health Services, Department of Health, Govt. of Bihar, New Secretariat, Patna.
4. Indian Nursing Council, Combined Councils Building, Kotla Road, Temple Lane, New Delhi- 110002 through its Secretary. null
5. The Secretary, Indian Nursing Council, Combined Councils Building, Kotla Road, Temple Lane, New Delhi- 110002.
6. The President, Indian Nursing Council, Combined Councils Building, Kotla Road, Temple Lane, New Delhi- 110002.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the State	:	Mr. A.N.Jha, AC to SC 18
For the Nursing Council	:	Mr. S.N.Pathak

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-11-2018 The petitioner seeks quashing of the order issued bearing Memo No. 403(6) dated 19.05.2017, issued under the signature of the Director-in-Chief (Nursing)) Health Services, Bihar, Patna, whereby the recognition granted on 30.07.2015 for conducting A.N.M. Course in favour of J.N.Nursing Institute, T.B.D.C. Road, Darbhanga has been cancelled with immediate effect.

It is the plain case of the petitioner that the decision to



cancel the recognition is based on the adverse report of an inspection team consisting of two members. He contends, relying on an earlier decision of this Court dated 11.01.2018, passed in CWJC No. 18351 of 2016 (**Dr. Shyam Bahadur Singh Vs. The State of Bihar & others**), that it was mandatory for the respondents to have constituted a four-member Committee, as contemplated under Clause (Ga) of sub-rule III of Rules 4 of the Nurses Training Recognition, Affiliation and Conduct of Examinations of Schools of Nursing Rules, 1997. Reliance has also been placed on another decision of this Court dated 17.01.2018, passed in CWJC No. 1550 of 2017 (**Magadh A.N.M. Training School Vs. The State of Bihar & others**).

A counter affidavit has been filed, wherein it has been admitted that the decision is based on the report of the Inspection Committee consisting of two members.

Mr. Arun Kumar, learned counsel for the petitioner is correct in his submission, while relying on this Court's decision in the case of **Dr. Shyam Bahadur Singh** (supra) that the presence of four members in the inspection team is the mandatory requirement under the Rules. Learned State Counsel could not controvert the said submission on behalf of the petitioner.



Accordingly, the impugned order dated 19.05.2017 (Annexure-1) is quashed, which is admittedly based on the inspection report of an Inspection Committee consisting of two members. The Director-in-chief (Nursing), Department of Health, Govt. of Bihar, is directed to take a decision afresh within one month from the date of receipt/production of a copy of this order, based on the report of the duly constituted Inspection Committee, in accordance with the Rules. It is also directed that while taking a decision, the Director-in-chief, shall ensure that the following directions in paragraph 18,19 and 20 of the decision in the case of **Dr. Shyam Bahadur Singh** (supra) are followed:-

“18. This application is disposed of with following direction to the Director-in-Chief (Nursing), Health Services, Government of Bihar, Patna:-

(i) To constitute an inspecting team, strictly in accordance with Rule 4-III(Ga) of the Rules, within a period of one (1) month from the date of receipt/production of a copy of this order, for the purpose of inspection of the institution, in question, and get the institution inspected within a period of one (1) month thereafter; and

(ii) Based on the inspection, the inspecting team will be required to submit its report



within a period of one (1) week from the date of inspection, so conducted.

19. The Director-in-Chief (Nursing), Health Services, Government of Bihar, Patna, shall be required to ensure that a decision is taken, strictly in accordance with the provisions of the Rules, based on the report of the said inspection team, on the question of grant of extension of recognition of the institution in question.

20. If the inspecting team points out any deficiency(ies), the Director-in-Chief (Nursing), Health Services, Government of Bihar, Patna, shall inform the institution and if permissible, allow the institution to remove such deficiency(ies) within a reasonable period.”

The writ application is allowed with the observation and direction, as above.

(Chakradhari Sharan Singh, J)

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