

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 196 of 2018**

1. Nahid Parween D/o Late Sheikh Abdul Salim, Aged About 20 Years R/o Juniline Bilaspur Tehsil Bilaspur P.S. City Kotwali, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare And Medical Education, Mahanadi, Bhawan, Naya Raipur Chhattisgarh.
2. Vice Chancellor, Pt. Deendayal Upadhyay Memorial Health Sciences And Ayush University Of Chhattisgarh Raipur Chhattisgarh.
3. Director, Directorate Of Medical Education, Raipur, Old Nurses Hostel, D.K.S. Bhawan Parisar, Raipur Chhattisgarh.
4. Director C.G. School Of Nursing, Bilaspur, At Nature City, Premises, Of C. G. Institute Of Nursing , Near Usalapur, District Bilaspur Chhattisgarh.
5. Principal, C.G. School Of Nursing, Near Sakri Bypass, Ratanpur Road, District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner	Shri Vivek Ranjan Tiwari, Advocate
For Respondent/State	Shri Sameer Behar, Panel Lawyer
For Respondent No.4&5	Shri Aman Kesharwani, Advocate

Order On Board**By****Prashant Kumar Mishra, J.****23/10/2018**

1. Petitioner was admitted to three year B.Sc. Nursing Course in the CG School of Nursing, the respondent No.5, in the year 2016-17, however, in the midst of the course when she was in the first year she again appeared in the Pre-Nursing Examination and got

admitted in a Government college. The petitioner, thereafter, moved an application before the respondent No.5 for issuance of Transfer Certificate (TC), Character Certificate and Migration Certificate along with No Objection Certificate (NOC), however, the same has been denied by the respondent No.5 for the reason that in view of the declaration (Annexure – R4/1) submitted by the petitioner at the time of obtaining admission she is liable to deposit the fees for the entire course. In other words, the respondent No.5 would take a stand that if the petitioner deposits fees for the entire course necessary certificates can be issued to her.

2. A bare reading of the declaration would manifest that the candidate has declared that if he or she leaves the course in the midst he/she shall be liable to pay '**full year's fees**'. The word '**full course fees**' is not mentioned in the declaration. Thus, in view of the language employed in the declaration, the respondent No.5 is not entitled to deny issuance of Transfer Certificate (TC), Character Certificate and Migration Certificate along with NOC to the petitioner for the reason that she has not deposited the fees for the entire course.
3. Since the petitioner has already deposited the fees for the whole year 2016-17, in terms of the declaration, she is entitled for the Transfer Certificate (TC), Character Certificate and Migration Certificate, along with NOC.
4. In view of the above, the writ petition is allowed and the respondent No.5 is directed to issue Transfer Certificate (TC), Character Certificate and Migration Certificate along with NOC to the petitioner within a period of three weeks from today. No order as to costs.

Gowri

Sd/-
Judge
Prashant Kumar Mishra