

CWP No.21448 of 2016 -1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.21448 of 2016
Date of decision: July 17, 2018**

Chetna School of Nursing

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Dr.Rau P.S.Girwar, Advocate for the petitioner.

Mr.Munish Jolly, Advocate for respondent No.1.

Mr.Rahul Mohan, DAG Haryana.

Mr.Amrit Paul, Advocate for respondent No.4.

Rakesh Kumar Jain, J. (Oral)

Counsel for the petitioner has submitted that he would restrict his prayer for the issuance of a direction to respondent No.4 which is now called The Haryana Nurses and Nurse-Midwives Council, constituted in terms of The Haryana Nurses and Nurse Midwives Act, 2017 (for short 'the Act') to grant recommendation for admitting 60 students in the session 2016-17.

During the course of hearing, counsel appearing for respondent No.4 has submitted that as per Section 25(5) of the Act, all institutions conducting nursing courses, as on the date of commencement of the Act, shall apply for recognition to the Council within three months from the date of commencement of the Act. It is further submitted that the petitioner had applied in terms of the aforesaid provisions and after the inspection carried out by the Inspectors of respondent No.4 on 11.5.2018, the petitioner Institute has

recommended 20 seats provisionally for the session 2018-19 in the programme called ANM. It is further submitted that the petitioner, however, has made a request for admission of 60 seats and has deposited the requisite fee for inspection. Counsel for respondent No.4 has submitted that the said matter is still under consideration of respondent No.4.

At this stage, Mr.Manish Jolly, Advocate appearing on behalf of respondent-INC has submitted that though the matter pertaining to the case of ***The Karnataka State Association of the Management of Nursing and Allied Health Science Institutions and others Vs. Indian Nursing Council and others subject matter of Civil Appeal No.12759-12761 of 2017*** had gone to Supreme Court and vide order dated 11.9.2017, the Hon'ble Supreme Court has vacated the order of the Division Bench by which order passed by the learned Single Judge was stayed by which it has been held that Indian Nursing Council has no authority to grant recognition to the Institutions imparting Nursing courses yet the intra court appeal against the order of the learned Single Judge in that case is still pending. He has also brought to the notice of the Court a decision of the Bombay High Court Bench at Aurangabad in ***CWP No.11260 of 2017 Private Nursing Schools and Colleges management Association Vs. Union of India and others*** decided on 9.10.2017 in which it has been held that Nursing Council is required to publish on its website that the degrees and diploma awarded by such institutions shall have applicability only in the State. He has submitted that in case the students passing out from the petitioner College would like to practice outside the State of Haryana then the permission of Indian Nursing Council has to be taken. Counsel for the petitioner has submitted that though the authority of INC has already been diluted yet it is submitted that the aforesaid direction issued by the Bombay

In view thereof, the present petition is hereby disposed of with a direction to respondent No.4 to expedite the procedure for considering the application of the petitioner for admission of 60 students instead of 20. The needful shall be done within two months from the date of receipt of certified copy of this order. Respondent No.4 as well as the petitioner would mention on its website that degree/diploma awarded by the petitioner Institution shall have applicability only in the State of Haryana and candidates having such degree shall be entitled to practice only in that State.

With these observations, the present petition is disposed of.

July 17, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No