

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 296 of 2019

Supriyalal W/o Alesh Vikas Sukka Aged About 38 Years R/o E.L. Church
 ,quarter No. 26/333nai Basti Raja Talab Rajpur, Tahsil and District Raipur
 Chhattisgarh.

--- **Petitioner**

Versus

1. Union of India through the Directorate Indian Nursing Council, 8th Floor , NDCC Center, plot No. 2, Community Center Okhla Phase I, New Delhi ,110020, District : New Delhi, Delhi
2. State of Chhattisgarh through the Secretary Health and Family Welfare Department Mahanadi Bhawan Mantralaya New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. AYUSH, State Government of Chhattisgarh Raipur, District : Raipur, Chhattisgarh
4. The Director Medical Education Raipur, District : Raipur, Chhattisgarh
5. The Principal Shri Balaji Institute of Nursing, Dubey Colony Mowa, Raipur District : Raipur, Chhattisgarh

--- **Respondents**

For the Petitioner	:	Shri Y. C. Sharma, Advocate
For the Union of India/R-1	:	Ms. Jyoti Singh, Advocate
For State/Respondent no.2	:	Mrs. Richa Shukla, Dy. G. A.
For respondent No.5	:	Mr. Shashank Thakur, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.07.2019

Heard

1. The admitted facts of the case are that the petitioner appeared in the entrance examination of B.Sc., Nursing Course for the year 2018-2019. Thereafter , according to the merit list, after counseling she was allotted to Balaji Institute of Nursing, the respondent No.5. The petitioner took admission in the said college and paid the fee within the stipulated time. As per the letter dated 08.01.2019

(Annexure P-1), the College informed to the Director, Medical Education, Raipur that the admission of the petitioner was completed on 03.11.2018, however, due to technical fault, the same could not be uploaded in web-site and the admission form could not be generated on on-line. Therefore, the prayer was made to correct the same.

2. Counsel for respondent No.5 i.e., Balaji Institute of Nursing, would also submit that the petitioner was admitted according to the allocation list, thereafter she has paid the fee and is prosecuting her studies. Therefore, it is the Medical Education who has to rectify the defect. A perusal of the document shows that the petitioner was admitted on the basis of merit and after counseling allocation to the institute of respondent no.5 she paid fee to prosecute her studies in B.Sc., Nursing and is studying in the college. However, because of technical fault as per Annexure P-1, the information could not be generated and uploaded there by was not communicated to respondent No.4.
3. The reply of the State/respondents 1 & 2 also do not dispute the fact that the petitioner was admitted as per her merit and on-line reporting could not be made, therefore, the problem occurred. The reply of the State however shows that the last date for admission in Nursing College was 31.12.2018 and the web-portal was closed as it was inoperative. Subsequent to the last date, the web portal cannot be operative which was because of the fault of the college.
4. Admittedly, in this case, the petitioner was admitted on the basis of merit while she was allocated to a particular college after counseling and because of the fault of college or Internet, the name could not be uploaded in the website for certain technicalities. Therefore, in the circumstances, considering the submission that since the web portal was closed due to technical fault the petitioner's name could not be uploaded cannot be allowed to take a centre

stage to decide the future of the students and such technicalities cannot be allowed to over ride the future prospects of the students.

5. In the facts and circumstances of the case, the respondents are directed to upgrade the details of the petitioner in the admission list within a period of two weeks .
6. With the aforesaid direction, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)
Judge

Rao