

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 378 of 2019**

1. Smt. Basanti W/o Amol Singh Aged About 23 Years R/o Dumriha Tehsil Pendra, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Health And Family Welfare, DKS Bhawan Mantraya Raipur Chhattisgarh.
2. Directorate Of Medical Education Through Its Director Old Nurses Hostel Building ,Dau Kalyan Singh Premises Raipur Chhattisgarh.
3. Indian Nursing Council Through Its Secretary, Kotla Road Temple Lane New Delhi 110002
4. Chhattisgarh State Nursing Council Through Its Registrar Raipur Chhattisgarh.

---- Respondent

For Petitioner
For Respondent/State

Shri Kshitij Sharma, Advocate
Shri Alok Bakshi, Addl. Adv. General

Order On Board**By****Prashant Kumar Mishra, J.****13/02/2019**

1. Petitioner has been declared disqualified for admission into the B.Sc. Nursing Course for the reason that while filling application form the petitioner had wrongly mentioned the marks obtained in the Physics, Chemistry & Biology subjects in the qualifying examination of Higher Secondary School Certificate. Even if the said reason for calculation of marks obtained by the petitioner in

the qualifying examination and subjects would hold good, the fact remains that along with her application form the petitioner had also annexed the marksheet of HSC examination in which she had secured more marks than what was wrongly mentioned by her in the application form.

2. Since the fact that the petitioner, in fact, secured more than 45% marks in the qualifying subjects in HSC examination is not disputed, the petitioner should not be penalised for her mistake, as it will occasion loss of one year to the petitioner.
3. Let the respondents recalculate the threshold percentage of 45% on the basis of petitioner's marksheet of qualifying examination and take fresh decision in the matter in consultation with the Nursing Council of India within a period of one week from today.
4. According to the petitioner she is eligible having secured more than 45% marks in the qualifying examination and seats are vacant in various colleges in the State, this Court directs the Nursing Council to permit the respondent authorities to admit the petitioner, as she appears to be otherwise eligible for admission.
5. In the result, the writ petition is allowed to the extent indicated above. No order as to costs.
6. Certified copy today.

Sd/-

Judge
Prashant Kumar Mishra

Gowri