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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4024 of 2019**

Gayatri Institute Of Nursing, Jagdalpur Through Its Director H.S. Yadav Son Of Shri V.S. Yadav, Aged About 53 Years, C/o. Royal Travels, Shop No. 03, Pagaria Complex, New Bus Stand, Pandri Raipur, District Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Atal Nagar, Raipur, District – Raipur, Chhattisgarh
2. The Secretary, Indian Nursing Council, Combined Council Building, Kotla Road, Temple Lane, New Delhi -02
3. Director, Directorate Medical Education, Old Nurses Hostel, D.K.S. Bhawan Campus, Raipur, Chhattisgarh
4. Registrar, Chhattisgarh Nurses Registration Council, Old Nurses Hostel, Directorate Health Services, Old Nurses Hostel D.K.S. Bhawan Campus, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ajay Pal Singh, Advocate
For State	:	Mr. Jitendra Pali, Dy. Advocate General

Writ Petition (C) No. 3932 of 2019

- Gayatri College Of Nursing Kundeli Road, Dantewada, District Dantewada, Chhattisgarh Run By 'Gayatri Educational Institute Of Technology' Registered Under The Society Registration Act 1973 Through The Vice President Gayatri Educational Institute Of Technology, Registered Office Kashiram Nagar, Raipur, District

Raipur, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary To The Govt. Of Chhattisgarh, Department Of Medical Education, Mahanadi Bhawan, Atal Nagar, PS Rakhi, Raipur, Chhattisgarh
2. The Director, Directorate Of Medical Education, Old Nursing Hostel, Mantralaya Campus, Raipur District Raipur, Chhattisgarh 492001
3. Pt. Deendayal Upadhyay Memorial Health Sciences And Ayush University Through The Registrar, Pt. Deendayal Upadhyay Memorial Health Sciences And Ayush University, GE Road Raipur, District Raipur, Chhattisgarh
4. Chhattisgarh Nurses Registration Council Through The Registrar, Chhattisgarh Nurses Registration Council, Old Nurses Hostel Directorate Health Services, Raipur, Chhattisgarh
5. Indian Nursing Council Through Registrar, Indian Nursing Council, 8th Floor, NBCC Centre, Plot No. 2, Community Centre, Okhla Phase-I, New Delhi 110020

---- **Respondents**

For Petitioner	:	Mr. Anurag Dayal Shrivastava, Advocate
For State	:	Mr. Jitendra Pali, Dy. Advocate General
For Respondent 4	:	Mr. Ajay Dwivedi, Advocate
For Respondent 5	:	Mr. N. K. Vyas, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13.11.2019

1. The facts and the relief sought for in both these writ petitions being common, the two writ petitions are disposed of by this common order.

2. The original challenge in both these writ petitions was in respect of the action on the part of the respondents in declaring the GNM course of the petitioners establishment for the academic year 2019-2020 as zero intake year.
3. Today, when the matter is taken up, counsel appearing for the petitioners submit that there is a subsequent development that has arisen i.e. the State Govt. has passed an order on 31st of October, 2019 whereby the State authorities have revised the order and have now permitted the petitioners to have 90% of the intake capacity which was allowed in previous academic year i.e. to say that the respondents have only reduced the intake capacity of the petitioners establishment by 10%.
4. The limited relief that the petitioners now have sought in the present writ petitions is that since the respondents have passed the order reducing the intake capacity of the petitioners establishment by 10%, the petitioners may be permitted to approach the respondent no.4 by way of a detailed representation/explanation giving details of infrastructure and other facilities including faculties and facilities available in the establishment seeking for their demand for the remaining 10% of intake capacity.
5. Subject to the petitioners making such representation/explanation, the respondent no.4 in turn may verify and if required, reinspect the establishment and thereafter take an appropriate decision so far as the balance of 10% seats are concerned.
6. This limited proposal made by the petitioners is not opposed by the State counsel.

7. Accordingly, both the writ petitions stand disposed of directing the petitioners to file a detailed representation/explanation to the respondent no.4 who in turn shall verify the same and if required, reinspect the institution and thereafter pass a fresh order so far as the compliance of 10% of the intake capacity of the petitioners establishment is concerned. Let this exercise be completed within a period of 2 weeks from the date of receipt of the explanation. The petitioners are directed to submit their explanation/representation before the respondent no.4 by the 18th of November, 2019.

**Sd/-
P. Sam Koshy
Judge**