

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4293 of 2019

1. Smt. Rashmi Sahu, D/o Ramkrishn Sahu, Aged About 29 Years,
Staff Nurse District Hospital Janjgir, R/o Village Sarkho Thana-
Janjgir Tah. Janjgir, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, State Of Chhattisgarh
Chikitsa, Swasthya Avm Parivar Kalyan Vibhag Avm Chikitsa
Shiksha Vibhag, Mantralay, Naya Raipur, District : Raipur,
Chhattisgarh
2. Sanchalak Narshing Sanchalnalay Swasthya Sewaye Chhattisgarh
Indrawati Bhawan, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
3. Sanchalak, Sanchalnalay Chikitsa Shiksha Purana Nurses Hostel
D.K.S. Bhawan Parisar Raipur, District : Raipur, Chhattisgarh
4. Principal, Shash. Nursing Mahavidhyalay Seepat Road Bilaspur,
District : Bilaspur, Chhattisgarh
5. Civil Surgeon, Sah Mukhya Hospital Adhikshak Janjgir Champa,
District : Janjgir-Champa, Chhattisgarh

-----Respondents

For Applicant	:	Mr. Rajendra K. Patel, Advocate
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For State	:	Mr. Somkant Verma, Panel Lawyer
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.11.2019

1. The relief sought for by the petitioner in the present Writ Petition is
for an appropriate direction to the respondents for permitting the
petitioner to take admission in the M.Sc. Nursing course for the
academic session 2019-20.

2. According to the counsel for the petitioner, the petitioner is a B.Sc. Staff Nurse working under the State Government, who had applied for admission in the M.Sc. Nursing Course for the academic session 2019-20. As per the policy of the State Government, from every district two candidates qualified can be sponsored. In this regard, the petitioner had applied from district Janjgir Champa and got selected for the admission vide order dated 15.05.2019 and the name of the petitioner appeared at Sr. No. 92.
3. According to the counsel for the petitioner, the post upon which she had applied she was also been given provisional admission vide Annexure P-2 dated 07.11.2019 and the petitioner was allotted the Government College of Nursing, Seepat Road Lagra, Bilaspur, (C.G). Ultimately, however the petitioner has not been granted admission only for the reason that she had not taken permission from the State Government, so far as the requirement of permission to undertake/undergo the M.Sc. Nursing Course is concerned.
4. According to the counsel for the petitioner, she had applied for the said permission before the Respondent No. 5 on 02.08.2019 and the said application was kept pending at the respondent level and that on account of the inaction on the part of the respondents in not timely granting permission or for not taking a decision on the application of the petitioner within time, the petitioner is being denied admission in the M.Sc. Nursing Course for the academic session 2019-20.

5. According to the counsel for the petitioner, one seat of the Government sponsored candidate is still lying vacant in the said college and subsequently, the State Government has now vide its order dated 15.11.2019 has permitted the petitioner to undertake the M.Sc. Nursing Course but meanwhile the last date for submission of these documents lapsed on 13.11.2019. The petitioner makes a limited prayer that since she has now got the permission from the State Government, let the respondent authorities decide the case of the petitioner for grant of admission in the Government college, as allotted to her vide Annexure P-2 dated 07.11.2019.
6. The State Counsel opposing the petition submits that since the last date for admission is over, and after that the respondents may not be in a position to consider the case for admission.
7. Having heard the contentions put-forth on either side and on perusal of record, considering the fact that the petitioner is a Government Sponsored Candidate and that the petitioner had been granted permission to participate in the admission process at the first instance and the petitioner has been selected for the said course. There was no reason why the respondent authorities should have sat-over the application of the petitioner seeking permission, which she has filed as early as on 02.08.2019. That in case, if the respondents had not intended to grant permission they should have taken a decision well-in-advance. The respondents have not rejected the claim of the petitioner rather they have now subsequent to the last date having been crossed has given permission to the petitioner on 15.11.2019.

8. Considering the fact that the petitioner has got permission on 15.11.2019 ie., just after two days after the last date given for submission of documents, this Hon'ble Court is of the opinion that it would be in the larger interest of the institution and also, so far as the sanctioned seat for M.Sc. Nursing Course is concerned for the academic session 2019-20, that the petitioner be permitted for undertaking the said course. Accordingly, the respondents are directed to immediately issue appropriate instructions permitting the petitioner to be admitted for M.Sc. Nursing Course at the Government College which she has been allotted vide Annexure P-2 dated 07.11.2019. What is to be taken into consideration is that, the petitioner cannot be put to suffer for non-submission of permission as is required from the State authorities. The petitioner had taken all necessary steps well in advance for obtaining the permission and there was sufficient time available for the Respondent No. 2 to take a decision on that application and which the respondents themselves for their own reasons have now decided on 15.11.2019. The petitioner should not be put to loss for the inaction on the part of the respondents for not taking a prompt decision on her application. The writ petition, accordingly stands allowed and the respondents are directed to take all necessary steps immediately for admitting the petitioner to the M.Sc. Nursing Course as per Annexure P-2.

9. The present Writ Petition stands allowed and disposed-off.

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