

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 4395 OF 2019**

- Shri Jug Mahadev Education Society (A Society Registered Under The Chhattisgarh Societies Registrakaran Adhiniyam, 1973) Through Its Authorized Person Ghanshyam Sahu, S/o Shri M.R. Sahu, Aged About 39 Years, Pulgaon Chowk, P.S.- Pulgaon, District Durg, Chhattisgarh.

... Petitioner**versus**

1. State of Chhattisgarh, Through The Secretary, Department of Health, Family Welfare and Medical Education, Mahanadi Bhawan, Mantralaya, Post and P.S. Mandir Hasaud, Atal Nagar, Raipur, Chhattisgarh.
2. Directorate, Medical Education, Old Nurses Hostel Bhawan, Dau Kalyan Singh Bhawan Parisar, Raipur, Chhattisgarh.
3. Chhattisgarh Nurses Registration Council, Through The President, Old Nurses Hostel Bhawan, Dau Kalyan Singh Bhawan Parisar, Raipur, Chhattisgarh.
4. Pandit Deendayal Upadhyay Smriti Ayush and Health Science University, Through The Registrar, G.E. Road, Raipur, District Raipur, Chhattisgarh.
5. Indian Nursing Council, Through Its Secretary, Indian Nursing Council, 8th Floor, NBCC Centre, Plot No.2, Community Centre Okhla, Phase-I, New Delhi.

... Respondents

For Petitioner	:	Mr. B.D. Guru and Mr. Apurv Goyal, Advocates.
For Respondents 1, 2 & 3	:	Mr. Ishan Verma, Panel Lawyer.
For Respondent 4	:	Mr. Ajay Kumar Dwivedi, Advocate.
For Respondent 5	:	Mr. N.K. Vyas, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02/12/2019**

1. Grievance of the petitioner in the instant case is that this Court on 14.11.2019 while disposing of Writ Petition (C) No. 4094 of 2019 had directed the Chhattisgarh Nurses Registration Council to take a prompt decision on the claim of the petitioner so far as the intake capacity for B.Sc. Nursing course for the session 2019-20.
2. Learned counsel for the petitioner submits that pursuant to the directives given by this Court on 14.11.2019, the petitioner appeared before the Council on 15.11.2019 as directed and thereafter the respondents have also inspected the colleges which were earlier declared as the colleges with zero intake. That, after the inspection having been conducted there has been no further decision taken by the respondents so far as the petitioner-establishment is concerned. However, according to the counsel for the petitioner, meanwhile, the respondents have taken a decision in the cases of sixteen other identically placed Nursing Colleges

wherein the situations were if not similar, worse than the the petitioner-establishment and in all those cases, the respondents have granted permission with the intake capacity as reflected in the order order dated 25.11.2019. However, according to the counsel for the petitioner, no order as such has been passed so far as the petitioner-establishment is concerned, neither is there any order passed rejecting the claim of the petitioner. Further contention of the counsel for the petitioner is that the last date for the online registration for the course has been extended by the State Government from 30.11.2019 till 5.12.2019 and therefore unless the respondents take a decision, the petitioner would find it difficult to admit the students for the said course.

3. Learned counsel for the State submits that since he is appearing on advance notice, he is not in a position to make any submission as to whether the order dated 14.11.2019 had been complied with or not, and whether on the basis of the directives given by this Court on 14.11.2019 any decision so far as the petitioner-establishment is concerned has been taken or not.

4. Given the said submission of the learned State Counsel, this Court is of the opinion that once when this Court had vide its order dated 14.11.2019 passed in WPC No. 4094/2019 directed the Chhattisgarh Nurses Registration Council to take a decision in the case of the petitioner promptly, there was no reason why the Council should have not considered and decided the case of the petitioner. The respondents all the more were incumbent to decide the claim of the petitioner for the reason that the same authorities have vide order dated 25.11.2019 in the case of other identically placed sixteen institutions have permitted them with the intake capacity as is reflected in their order dated 25.11.2019.

5. Accordingly, the respondent no.3 i.e. Chhattisgarh Nurses Registration Council is hereby directed to immediately take a decision on the case of the petitioner in respect of intake capacity for B.Sc. Nursing course before the last date of online registration of the applications for admission to the B.Sc. Nursing course for the session 2019-20.

6. State Counsel also is directed to immediately communicate telephonically to all the concerned authorities. In addition, they shall also communicate by other modes available so as to take an early decision in the case of the petitioner without adversely affecting the interest of the petitioner.
7. Petitioner also is directed to approach the respondent no.3 tomorrow with a copy of this order enabling them to take a decision.
8. It is expected that while taking a decision the respondents would take into consideration the grounds available for passing the order dated 25.11.2019 in respect of the other sixteen institutions mentioned therein.
9. The writ petition accordingly stands disposed of with the aforesaid direction.

Certified copy be released today itself.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE