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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 4444 of 2019**

Pushpendra College Of Nursing (Run By Bahudeshiya Swasthya Shikshan Samiti Kedarpur, District Ambikapur) Through The President T. P. Shukla S/o Late Shri Baldev Prasad Shukla, Ward No. 19, Baba Kedarnath Mandir, In Front Of Guru Ghasidas Bal Udyan Mission Chowk, Kedarpur, Ambikapur, District Surguja, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Health, Family Welfare And Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Indian Nursing Council, Through The Registrar, 8th Floor N.B.C.C. Center, Plot No. 2, Community Centre, Okhla, Phase I, New Delhi-110020
3. The Director, Medical Education, Raipur, Chhattisgarh
4. Chhattisgarh Nurses Registration Council, Through The Registrar, Old Nurses Hostel, Directorate Of Health, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Prafull N. Bharat, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.
For Respondent no.2	:	Mr. N. K. Vyas, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04.12.2019**

1. The challenge in the present writ petition is to the order Annexure P-1

dated 25.11.2019 whereby the Registrar, Chhattisgarh Nurses Registration Council has stayed the effect and operation of the order dated 25.11.2019 and subsequently, the Registrar has also vide Annexure P-2 dated 27.11.2019 cancelled the permission granted to the petitioner for B.Sc. (Nursing) course for the Session 2019-20.

2. The contention of the counsel for the petitioner is that the petitioner has been running the said college since 2018 onwards when the first batch has started and the petitioner, as per the regulation had applied for affiliation for the next academic session 2019-20. According to the petitioner, respondent no.2, initially after due inspection, had granted recognition to the petitioner establishment vide their order dated 22.11.2019 publishing the list of recognized institutions for B.Sc. Nursing which included the name of the petitioner. Subsequently, the respondents 3 & 4 had also issued similar orders in this regard for the academic session 2019-20. Based upon which, the University has also granted affiliation to the petitioner vide Annexure P-12 dated 25.11.2019.
3. The Principal of the college thereafter made a correspondence to the Registrar, Chhattisgarh Nurses Registration Council in respect of change of address. The Registrar, initially accepted the same vide order dated 25.11.2019 by issuing an amended order. However, later on, the respondent no.4 passed an order staying the order dated 25.11.2019 Annexure P-14 and thereafter again vide Annexure P-2 dated 27.11.2019 cancelled the permission granted to the petitioner for B.Sc. (Nursing) course for the Session 2019-20.
4. Counsel for the petitioner submits that at the first instance, the

Registrar does not have the power to cancel the permission so granted under the regulations governing the filed. The second contention of the counsel for the petitioner is that before issuance of the impugned order the petitioner has not been granted any opportunity of hearing nor has he been called upon by the respondents to explain as to the illegality if any, therefore, the order is in violation to the principles of natural justice.

5. State counsel, however, opposing the petition submits that it appears that the petitioner all along had been making correspondence with all the respondents giving its address to be that of Wadruf Nagar, District Balrampur Ramanujanj. However, subsequently, without proper permission, they have started making correspondence showing their address to be at Kedarpur, District Ambikapur. This, according to the State counsel, is not permissible without any sanction, approval and permission of the authorities concerned.
6. Be that as it may, the fact that the petitioner, vide order dated 22.11.2019 passed by the respondent no.2 and order dated 25.11.2019 passed by the respondents 3 & 4 respectively has been granted permission and recognition for B.Sc. (Nursing) course, based upon which the University also vide Annexure P-12 has granted affiliation to the petitioner, if at all there was any adverse action to be taken by the respondents against the petitioner, the least that was expected was to at least give an opportunity of hearing to the petitioner which from the records does not seem to have been provided.
7. Given the said facts, let the petitioner appear before the respondent

no.4 tomorrow since tomorrow is the last date for online registration for the students for admission in B.Sc. (Nursing) course for the Session 2019-20. The respondent no.4 in turn is directed to consider the grievance of the petitioner after due verification of the documents and credentials that the petitioner has and take an appropriate decision during the course of the day tomorrow itself so that the interest of the college is also protected in case a decision goes in favour of the petitioner.

8. The Dy. Advocate General appearing for the State is requested to immediately intimate the respondent no.4 so far as the order passed by this Court is concerned with appropriate directions to the respondent no.4 to take a decision during the course of the day itself.
9. Meanwhile, as long as a fresh decision is taken by the respondent no.4, the effect and operation of the orders Annexure P-1 & P-2 shall remain stayed. While deciding the matter, the respondent no.4 is expected to take note of the inspections that were conducted at the college by both the respondents 2 & 4.
10. Certified copy today.

Sd/-
P. Sam Koshy
Judge