

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 540 of 2020**

Pratibha Institute Of Nursing (A Unit Of Jindal Medicare India Pvt. Ltd.)
 Khuteri, Raipur, Through Its Authorized Officer/ Head Of Department-
 Human Resource And Administration, Smt. Kanchan Nambiar W/o Shri
 Anoop R. Nambiar, Aged About 40 Years, R/o House No. H 9, II Floor,
 4th Street Shriram Nagar, First Floor, 4th Street Shriram Nagar, First
 Phase, Shankar Nagar, 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 Science And Ayush University Through The Registrar Pt. Deendayal Upadhyay Memorial Health Sciences And Ayush University GE Road, Raipur, District- Rapur, 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 Phse-I, New Delhi - 110020

---- Respondents

For Petitioner	:	Mr. Sourabh Sharma, Advocate
For Respondents 1 & 2	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Respondent no.3	:	Mr. Ajay Dwivedi, Advocate
For Respondent no.4	:	Mr. Vikas Dubey, Advocate

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

25.09.2020

1. The challenge in the present writ petition is to the order Annexures P-1 & P-2 dated 08.11.2019 and 31.10.2019. Vide Annexure P-1, the academic session/year 2019-20 for B.SC Nursing course at the petitioner institution has been declared as "Zero Year" and vide Annexure P-2, the reasons for declaring the petitioner institution as Zero Year have been reflected which in fact is a proceeding of a High Level Committee meeting held on 26.10.2019.
2. Counsel for the respondents at the outset submits that since the academic session 2019-20 is already over, the substantial issue assailing the 2 orders has been left with only academic interest and no fruitful purpose would be served in detail adjudication of those issues. He submits that since a fresh academic session has started i.e. academic year 2020-21 and the petitioner has already applied for grant of sufficient seats for B.Sc Nursing course as also for GNM Nursing course, the respondents may consider the case of the petitioner on its own merits on the basis of the existing available facilities as on date without being in any manner influenced by any of the observations or findings passed earlier for the academic session 2019-20.
3. Counsel appearing for the respondent no.4 submits that in case the petitioner institution has already applied, there is no reason why the same should not be considered on its own merits. Counsel appearing for the respondent no.3 submits that true it is that the academic session 2019-20 is already over and therefore, the writ petition as such has

become only of academic interest.

4. Be that as it may, taking into consideration the submissions made by the counsel for the parties and also accepting the fact that the academic session 2019-20 has got over, this Court has no hesitation in holding that the matter has become only of academic interest. For the very same reason, this Court is reluctant to decide the matter on its merits so also to decide the veracity of the two orders under challenge in the writ petition. Leaving the two orders as it is in the present writ petition, this Court intends to dispose of the writ petition directing the respondents to take a fresh decision so far as the intake capacity of the petitioner is concerned for B.Sc Nursing course as also for GNM Nursing course for next academic session 2020-21 at the earliest.
5. It is directed that the respondents while considering the application of the petitioner for the academic session 2020-21 shall consider the merits of the petitioner on the basis of the existing facilities, infrastructure and other eligibility criteria which is available as on date which in other words means that the respondents while considering the application of the petitioner need not in any circumstance be influenced by any of the orders passed or observations made in the course of declaring the previous academic session as Zero Year.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge