

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1819 of 2021

- Gracious School Of Nursing Managed By Manav Mitra Society Registered Under The Society Registration Act 1973 Through The Secretary Manav Mitra Society Jamgaon Abhanpur , Abhanpur 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 Police Station Rakhi, Raipur Chhattisgarh
2. The Director Directorate Of Medical Education Old Nursing Hostel , Mantralaya Campus , Raipur District Raipur Cg 492001
3. Chhattisgarh Nurses Registration Council Through The Registrar Chhattisgarh Nurses Registration Council Old Nurses Hostel Directorate Health Services Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anurag Dayal Shrivastava, Advocate
For State	:	Mrs. Sunita Jain, G.A.
For Respondent No. 3	:	Mr. Vikas Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.03.2021

1. Heard
2. Learned counsel for the petitioner submits that the petitioner College was granted recognition for 60 number of seats. However, by an order dated 16.02.2021 (Annexure P/1) the number of seats have been reduced to 47. He submits that as per the Chhattisgarh Upcharika, Prasavika, Sahai Up-Charika Prasavika Tatha Swasthya Paridarshak Registrikaran Adhiniyam, 1972 (henceforth referred as 'Adhiniyam 1972'). Section 24(2) of the Adhiniyam 1972 states that the recognition can only be withdrawn after giving an opportunity of hearing by the authorities to the institution.
3. The relevant part of Section 24 of the Adhiniyam 1972 is reproduced

hereinbelow:-

“24. Training Institutions.- (1) The institutions which are approved and recognised by the Council after inspection by its representative shall be competent to train nurses, midwives, auxiliary nurse-midwives or health visitors, and to send them for examination for the qualifying certificates of the Council.

(2) The Council may withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing and shall be served in the prescribed manner:

Provided that no recognition shall be withdrawal without giving an opportunity to the authorities in-charge of the institution from being heard.”

4. Perused the documents. The documents show that *prima facie* initially the recognition of 60 seats were granted to the petitioner College in the year 2019 which has been reduced to 47 by Annexure P/1 dated 16.02.2021. Since Section 24(2) of the Adhiniyam 1972 provides that the withdrawal of recognition can be done only after the opportunity of hearing as is given. Therefore, the respondent No. 3 shall reconsider the case of the petitioner whereby the 60 seats have been reduced to 47 and after giving due opportunity of hearing, fresh order may be passed. In a result, the extent of order which is passed for reduction of seat to 47 by letter dated 16.02.2021 (Annexure P/1) in respect of the petitioner, the same shall not be acted upon till the opportunity of hearing is provided to the petitioner and fresh order is passed. Since 31st March 2021 as has been stated as the last date, the petitioner may be heard as early as possible.
5. With the aforesaid direction/ observation, the writ petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge