

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) No. 3340 of 2020

Gayatri Institute Of Nursing, Shiv Mandir, Ward No-03, Naya Pool, Panrapara, Dongaghat, Raipur Road, Jagdalpur, District Bastar Chhattisgarh. Run By Gayatri Educational Institute Of Technology Registered Under The Society Registration Act 1973, Through The Vice President- Gayatri Educational Institute Of Technology, Registered Office- Q-8 B, Road-7, Sector-3, Bhilai District Durg Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary To The Govt. Of Chhattisgarh, Department Of Medical Education, Mahanadi Bhawan, Atal Nagar, P.S. 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 Sciences And Ayush University, Through The Registrar, Pt Deendayal Upadhyay Memorial Health Sciences And Ayush University, G.E. Road Raipur, District Raipur Chhattisgarh
4. Chhattisgarh Nurses Registration Council, Through The Registrar, Chhattisgarh Nurses Registration Council, Old Nurses Hostel, Directorate Of Health Services, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Anurag Dayal Shrivastava, Advocate
For State/Respondent No.1 & 2	:	Mr. Gagan Tiwari, Dy. Govt. Advocate
For Respondent No.3.	:	Mr. Ajay Dwivedi, Advocate
For Respondent No.4	:	Mr. Vikas Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.02.2021

Heard

1. Learned counsel for the petitioner submits that by Annexure P-1 dated 28.11.2020 for the college of the petitioner, intake year has been declared. It means that the earlier recognition has been withdrawn. He submits that in the Chhattisgarh Upcharika, Prasavika, Sahai Upcharika Prasavika Tatha Swasthya Paridarshak Registration Adhiniyam, 1972 (for short "*the Adhiniyam, 1972*") Section 24 provides for Training Institutions and it also provides that the Council may withdraw recognition from any institution after its inspection by a representative of the Council. It is

stated such withdrawal can only be withdrawn provided after giving an opportunity of hearing to the institution. He would submit that the said withdrawal was made without giving an opportunity of hearing to the institution. Further, as per section 4 of the Adhiniyam, 1972, the Director Medical Education is the President and Director Medical Education is also authorised to grant permission for clinical training before whom the application has already been preferred by the petitioner, which is dated 03.02.2020 and is pending. Therefore, the Director Medical Education may be directed to take a decision on the application to grant clinical training to the petitioner institute to be attached with 100 Bedded Hospital. He would submit that the document filed as Annexure P-17 would show that at Swargiya Baliram Kashyap Smriti Govt. Medical Hospital, 650 Beds are available and as per the Government information Annexure P-19 dated 23.01.2021, four Nursing Colleges have been allowed to have a clinical training in such Hospital. Therefore, the petitioner College can also be accommodated which may be accordingly decided by the Director Medical Education according to the request.

2. Perused the documents. Considering the same and considering the fact the petitioner was not granted an opportunity of hearing as per Section 24 of the Adhiniyam, 1972 to withdraw the recognition, however since the submission is made that the petitioner has already made an application to grant facility for clinical training, which is on record Annexure P-9 dated 20.11.2019 & 03.02.2020 and petitioner college has sought for clinical training and to attach them with the Government Hospital, the same may be considered as the Director Medical Education would also be the President of the Council under the Adhiniyam, 1972.
3. In view of the above, the Director Medical Education is directed to decide the case of the petitioner in view of the fact that four colleges i.e. Government Nursing College Jagdalpur, Bodhni Devi Nursing Institute Jagdalpur, Surya College of Nursing Geedam Road Jagalpur and

Aadeshwar Nursing Institute Jagdalpur have been allowed to have clinical training at Baliram Kashyap Medical College Jagdalpur. Considering the last date of admission in the college, the Director Medical Education shall take decision as early as possible. It is obvious that the respondent No.4 shall take fresh decision if the finding favours with the petitioner.

4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Aks