

CWP-10114-2021

Date of Decision:02.08.2021

Nisha

....Petitioner

VS

Directorate of Medical Education and Research and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Arun Bansal, Advocate with
Mr. Anubhav Bansal, Advocate for the petitioner
Ms. Upasana Dhawan, AAG Haryana for respondents No. 1 and 2
Mr. Amrit Paul, Advocate for respondent No. 3
Mr. Vijay Guleria, Advocate for respondent No. 4

SUDHIR MITTAL, J. (Oral)

The petitioner applied for admission to General Nursing and Midwifery Course (GNM Course) pursuant to admission notice dated 18.10.2019 issued by respondent No. 1. The process of application was online and details were to be submitted on the website of respondent No. 2. The petitioner applied within time and pursuant to the second mop-up round conducted between 25.12.2019 to 31.12.2019, she was allotted respondent No. 4 – College. On 14.02.2020 respondent No. 3 i.e. Haryana Nurses and Nurse Midwives Council (hereinafter referred to 'Council') sent an E-mail to respondent No. 4 directing it to intimate any discrepancy in the particulars of the students admitted by it. The said respondent did not respond to this E-mail. Meanwhile, the course progressed. In December 2020, respondent No. 3 – Council was informed by respondent No. 4 that registration numbers of certain students including the petitioner had not been received. This was followed by communication dated 9.12.2020 and 17.12.2020 but no response was received. On account of non-registration by respondent No. 3 – Council the petitioner is not entitled to appear in the examination of the first year

which has been delayed on account of COVID-19 pandemic but is now scheduled for 09.08.2021. Thus, a direction may be issued to respondent No. 3 – Council to register the petitioner.

Learned counsel for respondent No. 3 – Council submits that Admission Notice (Annexure R-3/3) leaves no doubt that the last date for admissions was 31.12.2019 and that details of students admitted had to be uploaded on the website of respondent No. 2 before the said date. In the present case, the petitioner was selected during the second mop-up round held from 25.12.2019 to 31.12.2019, however, her details were not uploaded by respondent No. 4. Consequently, the petitioner was not registered and the fault squarely lies with respondent No. 4 – College.

It is not in dispute that the petitioner appeared for the mop-up round in accordance with the schedule prescribed. It is also not disputed that she was selected and admitted in respondent No. 4 – College. The only discrepancy in her admission process is that her details were not uploaded by respondent No. 4 on time. Thus, the fault lies with the said respondent and not with the petitioner. The petitioner has completed one year course of study out of total duration of two years and she can not be made to suffer on account of negligence on the part of respondent No. 4.

Accordingly, the writ petition is allowed and respondent No. 3 is directed to register the petitioner forthwith. For this negligence respondent No. 4 is burdened with costs of Rs. 10,000/- payable to the petitioner within seven days from the date of receipt of certified copy of this order.

(SUDHIR MITTAL)
JUDGE

02.08.2021

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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No