

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24471 of 2018

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Saraswati Shrestha, W/o Surendra Shrestha, residing at A.G. Colony, R.Block,
P.O.- G.P.O, P.S.- Sachivalaya, Patna- 800001, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Chief Medical Officer, Patna.
3. The Secretary, Indian Nursing Council, 8th floor, NBCC Centre, Plot No.2,
Community Centre, Okhla Phase-I, New Delhi- 110020
4. The Deputy Superintendent, Sub -Divisional Hospital, Danapur, Patna.
5. The Bihar Nursing Registration Council, New Secretariat, Government of
Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Nandan Prasad
For the Respondent/s	:	Mr. Nagendra Pd. Yadav, SC-23
		Mr. Kanak Verma, CGC
		Mr. Ansul, Adv
		Mr. Shyam Kishore, Adv
		Mr. Awadhesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
counsels for the respondents.

The petitioner, by way of this writ petition, has put to
challenge the rejection of his claim for equivalence of his
technical and vocational training acquired in Nepal with that of
General Nursing and Midwifery (GNM) course prescribed by
the Indian Nursing Council. She has also assailed the order
dated 13.09.2018, which is issued by the Deputy Superintendent
of Sub-divisional Hospital, Danapur for withholding the



petitioner's salary till such time she submits a certificate showing her registration with the Bihar Nurses Registration Council.

The submission is that the petitioner's technical education and vocational training from Bhaktapur, Nepal is equivalent. The authorities, without considering the matter in right perspective, have rejected the petitioner's claim for equivalence by an order, which does not assign any reasons. The petitioner's counsel submits that since the petitioner is holding an equivalent qualification to GNM course, the direction issued by the Deputy Superintendent, Sub-divisional Hospital, Danapur, directing for withholding of salary till submission of the certificate issued by the Bihar Nurses Registration Council is also unsustainable.

Respondent-authorities have filed a counter-affidavit placing on record the petitioner's offer of appointment dated 06.06.2015. The same contains the requirement in unequivocal terms that the petitioner is required to submit registration from Bihar Nurses Registration Council; and failure to do so would be sufficient to stop the petitioner's salary.

The offer of appointment was accepted in 2015 with the said requirement. In fact by an affidavit, the petitioner in the



year 2016, had assured that she would be submitting the requisite certificate.

These documents, which have been placed on record by the counter-affidavit, are not denied or disputed by the petitioner, as no rejoinder has been filed to the counter-affidavit.

This Court would, thus, observe that the petitioner, having accepted the conditional offer of appointment with the rider that she was required to submit the certificate issued by the Bihar Nurses Registration Council and for which she had also assured the authorities, is now estopped from questioning the action taken pursuant thereto by the impugned communication dated 13.09.2018. The writ application is without any merit.

The petitioner's counsel, however, submits that she would be making all endeavors to expeditiously get a declaration regarding equivalence of her vocational training certificate before the Indian Nursing Council.

With liberty as prayed for, application is disposed of.

(Madhuresh Prasad, J)

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