

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 24536 of 2022

Gadadhar Pradhan

.....

Petitioner

Mr. G.P. Jena, Advocate

Vs.

***Additional Chief Secretary to
Govt., Health and Family
Welfare Department,
Bhubaneswar and others***

.....

Opposite Parties

Mr. S. Kanungo, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

29.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr.G.P.Jena, learned counsel for the petitioner and Mr.S.Kanungo, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking for a direction to opposite parties to grant N.O.C. for opening of B.Sc. Nursing Course as it has complied all the requirements as pointed out by the authority concerned.

4. Mr.G.P.Jena, learned counsel for the petitioner contended that the petitioner applied for opening of B.Sc. Nursing course. As per the GIS mapping for requirement of B.Sc Nursing Institutions for the district of Balasore is four, as is made available in Annexure-1 series dated 09.06.2021. Therefore, the petitioner applied for grant of N.O.C. for opening of B.Sc. Nursing course in the district of Balasore by submitting the required application vide Annexure-2. On receipt of same, certain defects have been pointed out, which the petitioner has complied vide

Annexure-3 dated 04.05.2022. But vide Annexure-4 dated 02.06.2022, it was further pointed out for compliance of deficiencies namely fire certificate and pollution certificate for the tagged hospital. It is contended that the petitioner has also complied that part by filing Annexure-5 on 30.08.2022, wherein it has been indicated that the petitioner is not eligible to produce fire and pollution certificate as per the latest guidelines, but the same is pending before the authority for consideration.

5. Mr. S. Kanungo, learned Addl. Government Advocate contended that as required under the Odisha Fire Prevention and Fire Safety Rules, 2017, the institution requires clearance from the fire authority. The same having not been done, no decision has been taken with regard to grant of NOC in favour of the petitioner.

6. Having heard learned counsel for the parties and after going through the records it appears that the short question remains for consideration that the petitioner has filed his reply on 30.08.2022 under Annexure-5 stating therein that no fire and pollution certificate is required because of the geographical situation of the institution, which has not yet been considered by the authority.

7. In that view of the matter, without expressing any opinion on the merits of the case, this Court disposes of the writ petition directing opposite party No.3 to take a decision on the basis of reply submitted by the petitioner on 30.08.2022 as expeditiously as possible, preferably within a period of four weeks from the date of receipt of copy of this order.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Arun/Kishore