

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 27947 of 2022

*Vivekanand College of Nursing,
Khurda*

.....

Petitioner

Ms. Pami Rath, Advocate

Vs.

State of Odisha and Ors.

.....

Opposite Parties

*Mr. A.K. Mishra, AGA
(O.P.1)*

*Mr. R.C. Mohanty, Advocate
(O.Ps.2 to 4)*

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

21.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Ms. Pami Rath, learned counsel appearing for the petitioner; Mr. A.K. Mishra, learned Additional Government Advocate appearing for the State-opposite party no.1 and Mr. R.C. Mohanty, learned counsel appearing for opposite parties no.2 to 4.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to grant renewal of NOC in favour of the petitioner-institution for Basic B.Sc. Nursing and Post Basic B.Sc. Nursing Courses for the academic session 2022-23 keeping in view the guidelines for grant of NOC prescribed for the purpose by the opposite parties vide Notification No.26601/H dated 22.10.2019 under Annexure-2, within a stipulated period.

4. Ms. Pami Rath, learned counsel appearing for the petitioner contended that the petitioner-institution applied for renewal of NOC in its favour for Basic B.Sc. Nursing and Post Basic B.Sc. Nursing Courses for the academic session 2022-23, but the same was not granted because of non-submission of fire certificate, as

has been indicated in the letter dated 17.08.2022 under Annexure-3 series issued by opposite party no.3. It is contended that the fire certificate, which was issued on 05.09.2022, was valid up to 04.09.2024 (midnight) and the petitioner-institution submitted the said fire certificate for renewal of NOC for the academic session 2022-23 for B.Sc (N) & P.B.B.Sc (N) course vide Annexure-6 series dated 06.09.2022. Therefore, the deficiency, which was pointed out vide Annexure-3 series dated 17.08.2022 having been cured, the name of the petitioner-institution should have been floated in the website, but the same was not indicated in the website. It is also contended that vide Annexure-7 dated 08.09.2022, opposite party no.2-Director of Medical Education & Training, Bhubaneswar issued notice stating that in view of the technical problems faced by some of the institutions for compliance of deficiencies to open new institutions/renewal NOC for the academic session 2022-23, under DMET (O) for different courses, the institutions were requested to submit their compliance of deficiencies to the E mail id of respective council/ by hand on or before 14.09.2022 by 5.00 PM. Therefore, it is contended that since the petitioner-institution has already communicated and submitted the fire certificate by removing the deficiency vide Annexure-6 dated 06.09.2022, nothing remains to be complied pursuant to Annexure-7 dated 08.09.2022. In view of that the name of the petitioner-institution should be floated in the website so that the students can be participated in the counseling.

5. Mr. R.C. Mohanty, learned counsel appearing for opposite parties no.2 to 4 was called upon to get instruction immediately, as because the time was running out and only two days left for

counseling of the students. On the basis of instructions received, he stated that if deficiencies have been complied with, the opposite parties no.2 to 4 will take decision with regard to extension of such benefit to the petitioner-institution, as has been extended to the similarly situated institutions.

6. Having heard learned counsel for the parties and after going through the records, since the deficiency, as was pointed out in the letter dated 17.08.2022 under Annexure-3 series, has been complied with by the petitioner-institution by providing fire certificate vide Annexure-6 series dated 06.09.2022, there is no justifiable reason not to grant renewal of NOC in favour of the petitioner-institution for Basic B.Sc. Nursing and Post Basic B.Sc. Nursing Courses for the academic session 2022-23. But fact remains since counseling is going on, this Court directs opposite parties no.2 to 4 to take necessary action with regard to indication of the name of the petitioner-institution in the website, as expeditiously as possible, so that the students can exercise their choice for the institution notified in the website.

7. With the above observation & direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE