

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 36166 of 2021

*S.V.N. College of Medical
Science and Research*

.....

Petitioner

Mr. J.K.Mohanty, Advocate

Vs.

State of Orissa and others

.....

Opposite parties

Mr. J.P. Patnaik, G.A. (O.P.1)

Mr. R.C. Mohanty, Advocate

(O.Ps. 2, 3 and 5)

Mr. P.K. Parhi, ASGI (O.P.4)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE V. NARASINGH

ORDER

28.02.2022

Order No.

02

This matter is taken up through hybrid mode.

2. Heard Mr. J.K. Mohanty, learned counsel for the petitioner, Mr. J.P. Patnaik, learned Government Advocate, Mr. R.C. Mohanty, learned counsel for opposite parties no. 2, 3 and 5 and Mr. P.K. Parhi, learned ASGI for opposite party no.4.

3. The petitioner files this writ petition to quash the order dated 12.12.2019 under Annexure-4 and to issue direction to the opposite parties to grant renewal of recognition as well as display the name of the petitioner's institution in the DMET/DON website for the academic session 2016-17 to 2021-22 in B.Sc Nursing Course and to allow the petitioner's institution to participate in on-line counseling for admission of students in B.Sc. Nursing course for the academic session 2021-2022.

4. Mr. J.K. Mohanty, learned counsel for the petitioner contended

that an order was passed by the Director of Medical Education & Training, Odisha, on 12.12.2019 in Annexure-4 indicating therein that the petitioner's institution will be inspected freshly after the deposit of appropriate fees and basing on the report of inspection team, the action as deemed fit shall be taken for issuance of NOC. It is contended that though the inspection has been conducted in the year 2017, but till date no action has been taken thereof. Therefore, calling upon to have fresh inspection on 12.12.2019 in Annexure-4 cannot sustain in the eye of law.

5. Mr. J.P. Patnaik learned Government Advocate as well as Mr. R.C. Mohanty, learned counsel appearing for the opposite parties no. 2, 3 and 5 unanimously contended that inspection has been conducted in the year 2017 pertaining to the academic session 2016-17, 2017-18 and 2018-19. That has got nothing to do with the present issue. The Indian Nursing Council has notified vide notification dated 07.10.2021, extending the last date of admission for various Nursing programme for the year 2021-22 to 31st December 2021. However, neither the petitioner deposited the requisite fees within the time specified nor has cooperated with them so as to enable them to grant NOC. Therefore, the petitioner's institution is not entitled to get the benefit for the purpose of admission of students in B.Sc Nursing course for the academic session 2021-22.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner's institution had applied for grant of NOC to prosecute B.Sc Nursing course during the session 2016-17, 2017-18, 2018-19 and accordingly though inspection was conducted in the year 2017, no action was taken. Be that as it may, that question remains no more in existence in view of the subsequent order dated 12.12.2019 passed by opposite

party no.2 intimating therein that that the petitioner's institution will be inspected freshly after deposit of appropriate fees and basing on the report of inspection team, the action as deemed fit shall be taken for issuance of NOC. It is admitted by learned counsel for the petitioner that in compliance to the letter under Annexure-4, no fees has been deposited by the petitioner's institution for conduct of fresh inspection. In any case, since the last date of submission of fees for taking a decision for admission of students in various Nursing Programme for the year 2021-22 has already been expired, this Court is not inclined to accede to the prayer made in this writ petition by directing the opposite parties to allow the petitioner's institution to take admission by extending the period of admission. Therefore, it is open to the petitioner to comply the requirement of law first and deposit the requisites fees for admission as per the requirement. If such amount is deposited within fifteen days hence, the authority shall do well calling upon the inspection and basing on the inspection report, decision be taken for grant of NOC in accordance with law. As such, the requirement of law with regard to grant of NOC has to be complied with *in extenso* so that there should not be any relaxation to any institution for grant of NOC for the purpose of prosecuting technical studies in any institution.

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

(DR. B.R. SARANGI)
JUDGE

Arun

(V. NARASINGH)
JUDGE