

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.35317 of 2022

***Hi Tech School of Nursing,
Bhubaneswar***

.....

Petitioner

Mr. A. Bagchi, Advocate

Vs.

***The Secretary Health
Department, Govt. of Odisha,
Bhubaneswar & Ors.***

.....

Opposite Parties

Mr. A.K. Mishra, AGA, Advocate

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

22.12.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. A. Bagchi, learned counsel appearing for the petitioner; Mr. R.C. Mohanty, learned counsel appearing for opposite parties no.2 & 3 and Mr. A.K. Mishra, learned Additional Government Advocate appearing for opposite parties no.1 & 6.

3. We are proposing to dispose of the writ petition at the stage of admission without issuing notice to opposite parties no.4 & 5 on the limited prayer of the petitioner that on the allegation of non-compliance of the requirement of Fire Safety Certificate, the petitioner-institution has not been permitted to take admission of the students to the Nursing Course for the academic session 2022-23. It is contended that since the petitioner has already complied with the condition of fire safety, let direction may be issued to the opposite parties to cause an enquiry and if they satisfy that the petitioner has complied with the terms and conditions of fire safety, then necessary permission can be granted in favour of the petitioner-institution for taking admission of the students. Learned counsel appearing for the petitioner states that the petitioner does not want to press the prayer with regard to direction to opposite party no.3 to eliminate the embargo created by opposite party no.3 vide

Annexure-7.

4. Mr. R.C. Mohanty, learned counsel appearing for opposite parties no.2 & 3 contended that if the petitioner-institution complies with the conditions of fire safety, opposite parties no.2 & 3 may have any objection to allow the petitioner-institution to admit the students into Nursing Courses for the academic session 2022-23.

5. Mr. R.C. Mohanty, learned counsel appearing for opposite parties no.2 & 3 supports the contentions raised by learned counsel appearing for opposite parties no.2 & 3.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, this Court is of the considered view that only due to the restriction of fire safety the petitioner-institution has not been permitted to admit the students into Nursing Courses for the academic session 2022-23, interest of justice would be best served if opposite parties no.2 & 3 to make spot inquiry along with fire authorities to see the fire safety norms have been complied with or not and if they satisfy that the petitioner has complied with the same, the authority may grant necessary permission to the petitioner-institution to take admission of the students into Nursing Courses for the academic session 2022-23. The entire exercise shall be completed within five days from the date of production of this order.

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

8. Issue urgent certified copy in course of the day.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE