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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 03.06.2022

+ LPA 393/2022, CM APPL Nos. 28243/2022, 28244/2022 & 28245/2022

ST. STEPHEN'S HOSPITAL COLLEGE OF
NURSING

..... Appellant

Versus

UNION OF INDIA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Appellant : Mr. Rajeev Sharma, Senior Advocate with
Ms. Shruti Sharma and Mr. Saket Chandra,
Advocates

For the Respondents: Mr. T.P. Singh, Senior Central Government
Counsel for R-1
Mr. Alok Jain, Advocate for Indian Nursing
Council
Ms. Ekta Sikri, Advocate for GGSIPU

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellant impugns judgment dated 27.05.2022 whereby the petition filed by the Petitioner, seeking quashing of Notification dated



23.12.2021 extending the last date of completing admission to B.Sc (Hons) Nursing Course for the Academic Session 2021-2022 upto 15.06.2022, has been dismissed.

2. Appellant is a college affiliated to Guru Gobind Singh Indraprastha University (“GGSIPU”) and *inter alia*, conducts the course of B.Sc Nursing. The National Eligibility-cum-Entrance Test (“NEET”) for the said course was conducted in September, 2021 and result declared in December, 2021.

3. Indian Nursing Council, which is the parent Body, fixed the last date of admission as 21.03.2022. The date was thereafter extended to 31.03.2022.

4. A writ petition was filed in the High Court of Judicature at Bombay (Aurangabad Bench) by one of the colleges, though not part of the concerned University. The High Court of Judicature at Bombay (Aurangabad Bench) by its judgment dated 31.03.2022 extended the last date of admission to 07.04.2022 for the Nursing Course.

5. The grievance of the Appellant is that for the colleges affiliated with the University but run by the Central Government, the admission process continued upto 15.05.2022, whereas the admission process for the Appellant and other non Central Government Colleges, was closed on 07.04.2022.

6. It is contended by learned Senior Counsel for the Appellant that the appellant has been discriminated and it is prayed that the admission process be permitted to be continued for another period of



atleast a week to enable filling up of the unfilled seats in the appellant-College. Learned Senior Counsel for the appellant submits that the academic session commenced only on 23.05.2022.

7. By the impugned judgment, learned Single Judge has held that Indian Nursing Council is a Statutory Autonomous Body operating under the aegis of the Ministry of Health and Family Welfare, which lays down the standards of Nursing and also lays down the mode and manner for filling up the seats in Nursing Colleges. Medical Counselling Committee is responsible for conducting counselling for 15% of All India Quota Seats for undergraduate Courses – which comprises of seats in Central Government Hospitals and Colleges. It is an admitted position that the seats in the appellant-College would also be filled up on All India basis.

8. Learned Single Judge has noticed that the time period prescribed for carrying out the admission process for the appellant as well as non-governmental colleges was restricted by Indian Medical Council upto 31.03.2022, which was later extended upto 07.04.2022.

9. Learned Senior Counsel for the appellant contends that the cut-off date was fixed for all colleges irrespective of whether they were Central Government colleges or non-Central Governmental Colleges. However, the admission process for Central Government Colleges affiliated to GGSIP University was permitted to continue upto 15.05.2022. He submits that in view of the discrimination against the appellant, appellant should also be permitted to continue with the admission process for at least a week.



10. Learned counsel appearing for Indian Nursing Council submits that cut-off date was 31.03.2022, which was extended by the High Court of Judicature at Bombay (Aurangabad Bench) to 07.04.2022 and for all colleges across the country the said cut-off date was followed and no admission was permitted in non-Central Government Colleges after 07.04.2022.

11. Learned Counsel submits that in case the extension was granted, it would have an percolating effect on all colleges across the country, which are nearly two thousand in number. He further submits that academic session is likely to be affected for the reason that if the date is extended, the academic session which has commenced in several colleges would be adversely affected. He further submits that NEET Examination for the next year i.e. Academic Session 2022-23 is already under process and is likely to be held soon.

12. It is submitted by learned counsel appearing for the GGSIP University that for the next Academic Session 2022-23, the admission process for 85% seats which are filled up by the colleges on their own has already commenced.

13. Learned counsel appearing for GGSIP University further submits that for all the non-Central Government colleges under the University, the counselling ended on 07.04.2022 and thereafter no admission was permitted in any of the non-Central Government colleges.

14. We find merit in the contention of learned counsel appearing for



Indian Nursing Council as well as the University that in case the date is further extended, it is likely to have a percolating effect on all colleges across the country and is likely to gravely affect the academic session. The seats which are sought to be filled up are seats for the academic session 2021-22. Academic session which got delayed on account of the Pandemic. Under normal circumstances, teaching for the academic session 2021-22 would have already been over by the end of May and examinations would have already been underway. However, in the peculiar facts and circumstances that prevailed in the last two years, the admission process has got delayed, however, that does not mean that process should be further delayed. This may really result in a zero year for the students, which is not something which is going to be for the benefit of either the students or the colleges.

15. Another reason for dismissal of the petition as noticed by the learned Single Judge is that admission process for the next academic session is already underway and extending the cut-off date would result in disruption of the academic schedule.

16. Looked at from any angle, we find no infirmity in the view taken by the learned Single Judge in the impugned judgment in declining to entertain the petition and extending the cut-off date. We are also of the view that any extension of the date would disrupt the academic session. Consequently, we find no reason to interfere with the impugned order and find no merit in the appeal.

17. Appeal along with the applications filed herewith is, accordingly, dismissed.



18. *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

JUNE 03, 2022/‘yg’

