

CWP No.4150 of 2021 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.4150 of 2021 (O&M)

Date of Decision:19.06.2023.

Jain Institute of Nursing

.....Petitioner

Versus

Indian Nursing Council (INC) and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Nitin Kant Setia, Advocate
for the petitioner.

Mr. Armaan Gagneja, Advocate
for Mr. Ambanshu Sahni, Advocate
for respondent no.1.

Mr. Nitin Kaushal, Advocate
for respondent no.2.

Ms. Gagandeep Kaur Sekhon, Advocate
for Mr. Ranjit Singh Kalra, Advocate
for respondent no.3.

PANKAJ JAIN, J. (ORAL)

1. This Civil Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned notification issued by respondent No.1.

2. Today, additional affidavit on behalf of respondent no.1 has been filed in Court in compliance of order dated 13.06.2023. Relevant extract of affidavit of Dr.

Sarvjeet Kaur, working as Secretary in the office of Indian Nursing Council, is extracted hereunder:-

“4. As per Section 13 (1) of the Indian Nursing Council Act (“Act”) 1947, the Indian Nursing Council has the power to inspect any Institution recognized as a training institution by State authorities and in terms of Section 13(2) of the Act, the Inspection report is placed before the Executive Committee of the Council for consideration of the suitability of the institution for the purposes of training and on the adequacy of the training therein or as the case may be, on the sufficiency of the examination.

5. Section 13(3) of the Indian Nursing Council Act, prescribes that the Executive Committee shall forward a copy of such report to the authority or institution concerned, and also forward copies, with the remarks, if any, of the authority or institution concerned thereon, to the Central Government and to the (State) Government and council of the (State) in which the authority of institution is situated.

6. That if any institution is found to be unsuitable, after following due process of law as provided in Section 13(3), Section 14 of the Act and guidelines issued from time to time, the Indian Nursing Council under the provisions of Section 14(3) (b) can declare that with effect from a date specified in the declaration, any person holding a recognized qualification whose period of training and study preparatory to the grant to him of the qualification was passed at the institution which does not satisfy the requirements of the Indian Nursing Council in terms of Section 14(1) (b) shall be entitled to be registered only in the State in which institution is situated.

7. That therefore, in terms of the Regulations of the Indian Nursing Council, any training institution recognized by the State Nursing Council has to apply for statutory inspection with the Indian Nursing Council.

8. That if the Indian Nursing Council after following the due procedure in the Act passes a declaration (as envisaged in Section 14(3) of the INC Act, 1947) against any college then the students passing out

from such college may not be able to register in any State other than the state where the said college is located.

9. *That it is pertinent to mention that the power of Council to inspect and issue suitability ensures that all the colleges are maintaining the uniform standards as laid down by the Central authority i.e., The Indian Nursing Council. That the power of the Council to conduct inspections and take subsequent steps are required has also been upheld by several High Courts.*

10. *That however, it is also clarified that if the declaration as envisaged in Section 14(3) of the INC Act has not been passed against any institution then the students passing out from those college may not be prevented from registering in any other State, provided that those students meet the conditions prescribed for the reciprocal registration by the respective State Nursing Council. That the power to grant reciprocal registration vests solely with the state nursing council.*

11. *That as far as the Council is concerned if a person holds a recognized qualification as envisaged under Section 11 of the Act, then that person shall be eligible to apply for reciprocal registration.”*

3. Further additional affidavit on behalf of respondent no.2 i.e., Punjab Nurses Registration Council, has also been filed, which is taken on record and the same also reiterates the stand taken by the Indian Nursing Council in para no.10 and 11. Further while reiterating the stand taken by the INC, it has been stated on oath as under:-

“7. That in terms of the aforesaid stand of the Indian Nursing Council, the students passing out from the petitioner Institute are eligible for getting certificates without the stipulation of the condition that the same is valid in State of Punjab only. The students would be entitled to get registered in other State Councils, subject to fulfillment of the conditions as stipulated by the State Nursing Councils of the respective States.”

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4. In view of the aforesaid stand taken by Indian Nursing Council and the State Nursing Council, the conditions enumerated in the impugned order stand superseded and thus nothing survives in this petition.
5. The writ petition is dismissed as having been rendered infructuous.
6. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

June 19, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.