

CWP-25249-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217/1

CWP-25249-2022

Date of decision: 21.11.2023

Radha Swami Education and Medical Science
Development Society

...Petitioner

V/s

The State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS JUSTICE NIDHI GUPTAPresent : Mr. Alok Mittal, Advocate for the petitioner.
Mr. Deepak Balyan, Additional Advocate General, Haryana.
Mr. Padam Kant Diwedi, Advocate for respondent No.2.

RITU BAHRI, ACTING CHIEF JUSTICE (Oral)

1. Prayer in the present petition is for issuance of a writ in the nature of certiorari for quashing letter dated 28.10.2014 (Annexure P-5) and order dated 16.05.2022 (Annexure P-12), whereby annual intake in petitioner-institute was reduced to 30 seats for GNM course.

2. Learned counsel for the petitioner has referred to order dated 13.09.2022 (Annexure P-14) passed in CWP-997-2022 titled as ***Florence School and College of Nursing vs. State of Haryana and others***, whereby the petition was allowed and the order reducing the seats from 60 to 40 as observed by Indian Nursing Council (INC) was set-aside and the matter was remanded back to the competent authority to pass a fresh order within four weeks. Learned counsel for the petitioner has also placed on record copy of Order dated 11.10.2022 (Annexure R-1), which has been passed pursuant to

the directions given by Hon'ble the Supreme Court in Civil Appeal Nos.12759-12761 of 2017 titled as ***The Karnataka State Association of The Management of Nursing and Allied Health Science Institutions and others vs. Indian Nursing Council and others*** dated 11.09.2017 (Annexure P-9).

3. Learned counsel for the petitioner contends that the main issue in the said case was that 'No Objection Certificate' has been granted by the State of Haryana for annual intake of 60 students for each courses i.e. Basic B.Sc. Nursing and Post Basic B.Sc. Nursing. Thereafter, the Indian Nursing Council (INC) by publishing the list of Nursing Colleges unilaterally reduced to 40 seats for GNM and to 30 seats for ANM courses. The order was challenged before this Court and the writ petition was allowed vide order dated 13.09.2022 by observing that Indian Nursing Council has no jurisdiction to reduce the seats once it was sanctioned by the State.

4. Learned counsel further contends that pursuant to the aforesaid order passed by this Court, an order dated 11.10.2022 (Annexure R-1) has been passed by Officiating Registrar, Haryana Nurses and Nurse Midwives Council, Panchkula, whereby order dated 13.09.2022 passed by this Court has been complied with and was implemented in letter and spirit. The number of seats were restored to 60 seats in ANM, 100 seats in GNM, 50 seats in BSc Nursing and 50 seats in P.B.B.Sc Nursing, as earlier done by the State.

5. Learned counsel for the petitioner by referring to the aforesaid order dated 11.10.2022 (Annexure R-1) contends that initially in the present case, the NOC was granted for 60 seats in GNM course. However, the

Indian National Council has unilaterally reduced the intake seats to 30 for GNM course, vide impugned letter dated 28.10.2014 (Annexure P-5).

6. Thereafter, aggrieved, petitioner-Institute approached the respondents seeking permission for increase of seats as per the NOC grant by the State of Haryana. Thus, repeated requests were made by the petitioner-Institute for permitting increase of seats. The same having not been considered, petitioner was constrained to file a writ petition i.e. CWP-7880-2022 (Annexure P-11), which was disposed of with a direction to the respondents to decide the pending representations of the petitioner by passing a speaking order.

7. The representations have been rejected vide impugned order dated 16.05.2022 (Annexure P-12) by Director, Medical Education and Research, Panchkula, which necessitated the petitioner to file the instant writ petition.

8. We have heard learned counsel for the parties.

9. It appears that petitioner-Institute was established in the year 2010 and is running a Nursing College for GNM course. The State of Haryana issued 'No Objection Certificate' in favour of the petitioner permitting it to admit 60 students in the said course. However, in the year 2014, the annual intake was reduced to 30 seats for GNM course

10. Keeping in view the order dated 13.09.2022 (Annexure P-14) and 11.10.2022 (Annexure R-1) passed by Officiating Registrar, Haryana Nurses and Nurse-Midwives Council, Panchkula, the present writ petition is allowed and order dated 16.05.2022 (Annexure P-12) is set-aside. The matter is remanded back to the competent authority to pass a fresh order

CWP-25249-2022

within four weeks from the date of receipt of a certified copy of the judgment.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

November 21, 2023
Ajay

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