



CWP-3467-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-3467-2024

Date of decision : 20.08.2024

Mata Saraswati Institute of Nursing Education

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R. Kartikeya, Advocate, for the petitioner.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

Mr. Ranjit Singh Kalra, Advocate, and
Ms. Mona Yadav, Advocate, for respondent No.3 – PNR.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioner Institute has approached this Court with regard to admissions to General Nursing and Midwifery three years course, beginning from academic year 2022-23, praying for the following relief :

“Direct respondents to permit the petitioner to submit the challan forms for the remaining 38 students for the General Nursing and Midwifery Course for the Academic Year 2022-23, who were admitted and enrolled on the web portal before 01.01.2023 and challans were also generated, however, the challans were not deposited due to an error on the part of the clerk of the petitioner and extend the same concession as has been granted to Satguru Institute of Nursing Education by this Hon’ble Court vide order dated 23.01.2023 (Annexure P-10).”



2. This Court, while taking cognizance of the matter on 16.02.2024, passed an interim order in favour of the petitioner Institute. The relevant extract of the order dated 16.02.2024 is re-produced below for ready reference and convenience :

“In the meanwhile, the students at Sr. No. 1 to 50 in the list attached with the petition as Annexure P-2 shall, purely on provisionally basis, be permitted to appear in the exam of 1st year course of General Nursing and Midwifery, scheduled to be commencing from 19.02.2024. However, the same shall be subject to the petitioner – Institute depositing with respondent No.3 the applicable fee/late fee and the eligibility of the students to be determined also by respondent No.3.”

3. As such, out of 60 students admitted by the petitioner Institute, first 50 students were provisionally permitted to appear in the 1st year exams in the course of General Nursing and Midwifery. This interim arrangement was made subject to petitioner Institute depositing fee with respondent No.3 and giving liberty to respondent No.3 to decide eligibility of the said students.

4. Learned counsel for respondent No.3 submits that in pursuance of the aforesaid interim order dated 16.02.2024, out of first 50 students, 44 students who were found eligible appeared in the 1st year exam, which commenced from 19.02.2024.

5. More than one year of the course has been completed and the provisionally admitted students of the petitioner Institute are undergoing the said course.

6. The only dispute which remains to be decided in this case is as to whether the fee with regard to said provisionally admitted students, which was



deposited after the cut-off date, i.e. 31.12.2022, can be accepted in the given circumstances or not.

7. After hearing learned counsel for the rival parties, this Court is of the considered view that out of first 50 admitted students, since 44 students have provisionally appeared in the 1st year exam of the said course, it would not be appropriate to disturb their admissions. The period of late deposit of their fee can always be condoned as one time measure without the same being followed as a precedent in other cases.

8. It is not disputed by learned counsel for respondent No.3 that under the interim order dated 16.02.2024 passed by this Court, fee with respect to all the students, who appeared in the 1st year exam, has been deposited by the petitioner Institute from 17.02.2024 onwards.

9. In view of the above, this Court disposes of this petition by regularizing the admissions of 44 students, who provisionally appeared in 1st year exam of the said course, in terms of the interim order dated 16.02.2024.

10. It is further directed that results of all 44 students out of 50 provisionally admitted students, who were found eligible and appeared in the 1st year exam of General Nursing and Midwifery course, be declared.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

August 20, 2024
ndj

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