



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.29367 of 2023 (O&M)
Date of Order:24.09.2024

Bhagwati Institute of Nursing

.Petitioner

Versus

Indian Nursing Council and others

..Respondents

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

Present: Mr. Akshay Bansal, Advocate
for the petitioner.

Mr. Ambanshu Sahni, Advocate
for respondent no.1

Mr. Ranjit Singh Kalra, Advocate
Ms. Mona Yadav, Advocate
for respondent no.2.

ANIL KSHETARPAL, JUDGE

1. The petitioner runs a Nursing Education Institute. Through this writ petition a writ of mandamus has been sought *inter-alia* for direction to the respondents authorities to permit it to deposit the fee of 40 students while opening admission portal for the academic session 2023-24, in GNM and ANM Courses with respect to 40 and 30 seats, respectively.
2. By interim order dated 22.12.2023, the fee challans which were alleged to be in possession of the petitioner Institution were permitted to be presented physically before Punjab Nurses Registration Council (PNRC). The case of the petitioner is based upon the facts that Indian Nursing Council has granted suitability to admit 40 students in GNM Educational



Programme on 24.11.2023, whereas PNRC granted provisional recognition to admit 30 students in GNM course on 30.11.2023.

3. In substance, the petitioner claims that fee challans of 8 students could be uploaded before the portal was shut down. Hence, it has been deprived of opportunity to upload the challans of remaining students. In the prayer clause, the petitioner has also prayed for admitting 30 students in ANM course for the same academic session.

4. In reply, the PNRC has submitted that the petitioner has not submitted documents of the candidates and made admissions prior to the cut off date i.e. 30.11.2023. It has been submitted that in the prayer clause, the petitioner has adopted clever tactics to include permission to add 30 students in ANM programme for which no recognition/permission has been granted. It is submitted that only 08 students were admitted before the cut off date and their challans and other documents were uploaded on the portal. There is no evidence/record of admission of remaining 32 students.

5. The petitioner has not filed any re-joinder. Learned counsel representing the petitioner submits that there is dispute with regard to management of the Institute but this court should allow 40 students to complete the course.

6. Having heard the learned counsel representing the parties, this Bench is of the considered view that the writ petition is liable to be dismissed on the following grounds:-

(1) There is no material to prove that the petitioner was granted permission for admitting 30 students in ANM course.



(2) As per the admission schedule, 30.11.2023 was the cut off date. Only information of 08 students with fee challans were uploaded on the portal. This court in *New Malwa Educational Welfare Society vs. Punjab Nurses Registration Council (PNRC) and another (CWP No.28022 of 2023, decided on 22.08.2024)* and other connected case examined the requirement of uploading complete information of the students which have been admitted in the following manner:-

- (1) The sanctity of cut-off date in admission of students is of paramount importance. These two writ petitions have been filed by the Societies on behalf of three colleges with identical reason for failing to upload the information within the prescribed time which is disputed by the respondents. Hence, there is disputed questions of fact involved in the present case.
- (2) On a careful perusal of the list of students produced by the petitioners in both the writ petition, it becomes evident that after generating a unique ID number which is the first stage of the online admission process, the colleges were required to upload the scanned copies of the requisite documents/certificates depicting the eligibility of the candidates. In case of any difficulty in the uploading of requisite documents/certificates depicting eligibility of the candidates, the petitioners would have immediately contacted the PNRC as an efficacious remedy. It is not the case of the petitioners that they informed PNRC or made any representation in this regard. As per the

learned counsel representing the PNRC, more than 30,000 students are admitted every year and there was no complaint of technical snag from the majority of institutes.

- (3) The petitioners in both the writ petitions, except producing a printed copy of creation of unique ID number along with the name and parentage of students, have neither produced the relevant documents of the students in the Court nor submitted to PNRC within the prescribed time. The date on which this list was generated is also not clear.

7. Keeping in view the aforesaid observations, the writ petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

September 24, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No