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

+ **W.P.(C) 10722/2024**

SARASWATI SHRESTHA

.....Petitioner

Through: Mr. Ratnesh Kumar Singh, Mr.
Bimlesh Kumar Singh, Mr. Santosh
Kumar Yadav, Advocates.

versus

THE CENTRAL PUBLIC INFORMATION OFFICER

.....Respondent

Through: Mr. V.S.R. Krishna, Mr. Yagya
Srivastava, Mr. V. Sashank, Mr. Alok
Jain, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.08.2024

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1. The Petitioner is aggrieved by the Indian National Council's rejection of the Petitioner's application for registration with the Bihar Nursing Registration Council, Patna. The said application was rejected on the grounds of lack of equivalency of "Post Basic Bachelor of Science in Nursing" with General Nursing and Midwifery recognized by the Indian Nursing Council, New Delhi. The Petitioner applied for the information under application dated 24th November, 2022 to the following effect:

"This is to draw your kind attention that the Indian Nursing Council, New Delhi has unilaterally revoked the recognition of the Proficiency Certificate Level in Nursing recognised by the Nepal Nursing Council, Kathmandu affecting Indian citizen, I need following information in larger public interest as it affects large number of Indian students including me,

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who passed Proficiency Certificate Level in Nursing from Nepal:

- 1. Please provide order/letter/circular, etc by which the Indian Nursing Council, New Delhi has unilaterally revoked the recognition of the Proficiency Certificate Level in Nursing recognised by the Nepal Nursing Council, Kathmandu affecting Indian citizen.*
- 2. Please provide detail publication such order/letter/circular, etc in official Gazette.*
- 3. Please disclose cutoff date of revoked the recognition of the Proficiency Certificate Level in Nursing recognised by the Nepal Nursing Council, Kathmandu.*
- 4. Please provide letter/records/file, etc dealing with consultation with the Ministry of the Ministry of External Affairs, Government of India, New Delhi & the Health Department, Government of India, New Delhi.”*

2. In response to the said communication, INC has furnished the following information reply on 8th December, 2022 to the following effect:

“Please refer to your RTI application dated 24/11/2022 alongwith two alongwith Postal order no. 59F 829791 of Rs. 10/-, received by this council on 29/11/2022. The information is given below. The information is given below RTI applications as under:

Q. This is to draw your kind attention that the Indian Nursing Council, N.Delhi has unilaterally revoked the recognition of the Proficiency Certificate Level in Nursing recognized by the Nepal Nursing Council, Kathmandu affection Indian citizen, I need following information in larger public interest as it affects large number of Indian students including me, who passed Proficiency Certificate Level in Nursing from Nepal:

- 1. Please provide order/letter/circular, etc by which the Indian Nursing Council, N.Delhi has unilaterally revoked the recognition of the Proficiency Certificate Level in Nursing recognized by the Nepal Nursing Council. Kathmandu affecting Indian citizen.*
- 2. Please provide detail publication such order/letter/ circular, etc in official Gazette.*
- 3. Please disclose cutoff date of revoked the recognition of the Proficiency Certificate Level in Nursing recognized by the Nepal Nursing Council, Kathmandu.*
- 4. Please provide letter/ records/file, etc dealing with consultation with the Ministry of the Ministry of External Affairs, Govt. of India, New Delhi & the Health Department, Govt. of India, N.Delhi.*

Reply 1 to 4: The basic nursing qualification acquired by you that is PCL Nursing Diploma qualified from Council for Technical Education and Vocational Training, Bhaktpur, Nepal is not equivalent to GNM course prescribed by the Indian Nursing Council. Further it may also to be noted that Proficiency Certificate Level in Nursing granted by the Nepal Nursing



Council, Kathmandu has not been granted the status of recognized qualification by Indian Nursing Council under Section 10 of the INC Act, 1947.”

3. Dissatisfied, the Petitioner carried the matter in first appeal before the First Appellate Authority and then before the Central Information Commission (CIC) who have through the impugned order dated 21st May, 2024, taking note of all the contentions, detailed as under:

“Decision:

Upon perusal of records of the case and hearing averments of the parties, it is noted that the Respondent had furnished appropriate information, based on available records, as permissible under the law. Hence, reply sent by the PIO is found to be legally appropriate and thus upheld. It is noted that the written submission dated 16.05.2024 filed by the Respondent contains detailed and self explanatory information. Therefore, the Respondent is directed to send a copy of the written submission dated 16.05.2024, to the Appellant, within two weeks of receipt of this order and submit a compliance report in this regard before the Commission within one week thereafter. No further intervention is warranted in this case, under the RTI Act.”

4. According to the Petitioner, there is no specific response to the Points No. 1 to 4 of the RTI application dated 24th November, 2022, inasmuch as no copy of the order/letter/circular has been shown, whereby they have revoked the recognition of the proficiency certificate level in Nursing recognised by Nepal Nursing Council, Kathmandu, Nepal.

5. In the opinion of the Court all the queries raised by the Petitioner, have been responded to by the Respondents have furnished. It is evident that apart from the response given in their letter dated 8th December, 2022, INC has nothing more to offer to the Petitioner in terms of the queries raised in Para 1 to 4. Whether this response is sufficient or not to support the decision of revocation of the recognition of the Proficiency Certificate Level, is not the subject matter that would engage this Court in the present proceedings.



The Petitioner is free to agitate the grievance regarding the basis of rejection of his application for registration with the Bihar Nursing Registration Council, Patna by the Indian National Council in appropriate proceedings, in accordance with law.

6. The present petition is disposed of accordingly.

SANJEEV NARULA, J

AUGUST 5, 2024/ab