



2024:DHC:8015-DB



\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **LPA 1031/2024 & C.M.60339/2024****SARASWATI SHRESHTA**

.....Appellant

Through: **Mr.Ratnesh Singh with Mr.Bimlesh
Kumar Singh and Mr.Sudip Lodh,
Advocates.**

versus

THE CENTRAL PUBLIC INFORMATION OFFICER

.....Respondent

Through: **Mr.V.S.R Krishna with
Mr.V.Shashank Kumar, Advocates
(Through VC)**

%

Date of Decision: 15th October, 2024**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****MANMOHAN, CJ : (ORAL)**

1. Present appeal has been filed challenging the order dated 05th August, 2024 passed by the learned Single Judge in W.P.(C) 10722/2024. The Appellant had filed the underlying writ petition seeking directions to set aside the order dated 21st May, 2024 passed by the Chief Information Commissioner ('CIC'), New Delhi and the RTI response dated 8th December, 2022 and the order dated 13th March, 2024 passed by the First Appellate Authority, Indian Nursing Council (INC), New Delhi.

Signature Not Verified

Digitally Signed By: SARASWATI
SINGH RAWAT
Signing Date: 16/10/2024
17:32:46

LPA 1031/2024

Page 1 of 3



2. The learned Single Judge, after considering the request made by the Appellant *vide* RTI application dated 24th November, 2022 and the INC's response to the same dated 8th December, 2022 and the order of the CIC dated 21st May, 2024 has held that the INC has provided the information it had to the Appellant in terms of the Right to Information Act, 2005. He also stated that the question whether the response was sufficient to support the decision of revocation of recognition of the Proficiency Certificate Level of the Appellant and the consequent rejection of her application for rejection with the Bihar Nursing Registration Council, Patna was beyond the scope of the proceedings and that the Appellant was at liberty to agitate her grievances pertaining to the rejection by filing appropriate proceedings.

3. Learned counsel for the Appellant states that the learned Single Judge failed to appreciate that no order / letter / circular was provided to the Appellant in response to the RTI application. He further states that the Appellant had obtained a proficiency certificate level in nursing by Nepal Nursing Council Kathmandu, which has in the past been accepted by the Indian Nursing Council, New Delhi and appointment has been given to other nurses basis the same and therefore, it was imperative that the Appellant be shown the order / letter / circular on the basis of which her application was rejected.

4. At the outset, from a perusal of the prayer in the underlying writ petition, it is clear that the learned Single Judge has rightly held that the issue in question was only with regard to the validity of the order dated 21st May, 2024 and the sufficiency of the response and assessing whether the same was sufficient to warrant a rejection was beyond the scope of the writ petition.



2024:DHC:8015-DB



5. Moreover, the said response expressly stated that the Appellant had obtained a proficiency certificate level in nursing by the Nepal Nursing Centre, Kathmandu, which was not recognized under Section 10 of the Indian Nursing Councils Act, 1947.

6. Also, the learned counsel for the Appellant has not placed on record any document to substantiate his submission that other nurses have been appointed basis the same qualification as obtained by the Appellant.

7. In any event, this Court has been informed that the Appellant has filed a case before the Patna High Court bearing Case No.CWJC 17344/2022 challenging the decision of the INC to not consider her qualification. Consequently, no ground for interference exists. Accordingly, the present appeal along with the application are dismissed.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

**OCTOBER 15, 2024
KA**