NC: 2025:KHC:53175
WP No. 16360 of 2024

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 16360 OF 2024 (EDN-RES)

BETWEEN:

MALLIGE SCHOOL OF NURSING
HANUMANTHANAGARA, GUTTEPALYA,
BINNAMANAGALA NELAMANGALA
BANGALORE-562123

AN INSTITUTION RUN BY
JNANA EDUCATIONAL TRUST
REPRESENTED BY THE
MANAGING TRUSTEE
DR. MURALIDHAR R

...PETITIONER

(BY SRI. KRISHNA T., ADVOCATE)

AND:

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

THE INDIAN NURSING COUNCIL
8TH FLOOR, NBCC CENTER,
PLOT NO.2 COMMUNITY CENTER
OKHLA PHASE 1,
NEW DELHI-110002.
REPRESENTED BY ITS PRESIDENT.

...RESPONDENT

(BY SRI. SHIVARUDRA, ADVOCATE)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO GRANT RECOGNITION/ SUITABILITY TO THE PETITIONER INSTITUTION BY CONSIDERING THE REPRESENTATION OF THE PETITIONER INSTITUTION DTD. 30.06.2023 PRODUCED AS ANNX-M AND IN TERMS OF THE

ORDER DTD. 30.03.2023 IN W.P.NO. 22685/2022 PASSED BY THIS HON'BLE COURT, PRODUCED AS ANNX-L.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

> *"a) Issue a Writ of Mandamus or any other appropriate writ, order or direction to the Respondent, to grant Recognition/Suitability to the petitioner Institution by considering the representation of the Petitioner Institution dated 30-06-2023 produced as Annexure M and in terms of the order dated 30-3-2023 in W.P.No.22685/2022 passed by this Hon'ble Court, produced as Annexure L.*
>
> *b) Grant such other relief's as this Hon'ble Court would be pleased to grant in the circumstances of the case, in the interest of justice and equity."*

2. A perusal of the material on record will indicate that the petitioner having submitted a representation at Annexure M dated 30.06.2023, ventilating its grievances in the light of the order dated 30.03.2023 passed in Writ Petition No.22685/2022 (EDN-RES), having not been

considered by the respondent, petitioner is before this Court by way of the present petition.

3. Per contra, learned counsel for the respondent submits that, if reasonable time is granted, the respondent would consider the representation of the petitioner and take appropriate decision/pass appropriate orders in accordance with law.

4. In the earlier round of litigation in Writ Petition No.22685/2022(EDN-RES), this Court passed the following order dated 30.03.2023, which reads as hereunder:

> *"Heard Sri. Krishna T., learned counsel for petitioner; Sri. Shivarudra, learned counsel for respondent and Sri.Nithin A.M. for the impleading applicant.*
>
> *2. The petitioner is an educational Institution engaged in imparting General Nursing course namely Diploma in General Nursing and Midwifery (GNM), which is a three years course. The petitioner Nursing school obtained its requisite permission from the Government of Karnataka and the affiliation from the Karnataka State Nursing Council.*

3. It is the contention of learned counsel for petitioner that a Trust Deed came to be entered into between M/s Mallige Medical Centre Private Limited, which was running the petitioner-Institution namely Mallige School of Nursing and same was transferred to the Trust namely Jnana Educational Trust and the said Trust is running the petitioner-Institution in the name of Mallige School of Nursing from the academic year 2013-14. He further, contends that M/s Mallige Medical Centre is a hospital which is a part of M/s Mallige Medical Centre Private Limited and by letter dated 20.08.2013, permission was granted to the Nursing students of petitioner-Institute to utilize the said Hospital for clinical facilities.

4. The Institution was running at Sector II, HMT Post, Bengaluru and later shifted to the address at Hanumanthanagar, Guttepalya, Binnamangala, Nelamangala, Bengaluru, which was thereafter approved by the Karnataka State Nursing Council. This being the state of affairs, on 02.07.2021 and 13.08.2021, the respondent - Indian Nursing Council addressed letters to the petitioner-Institution seeking clarification with regard to the parent hospital namely M/s Mallige Medical Centre and to the said letter, reply was sent by the petitioner-Institution bringing to notice, the Trust Deed and all other required compliance and

clarifications, which were complied with according to the petitioner-Institution.

5. Despite the clarification submitted by petitioner-Institution, to the respondent, after considering the same, has passed an impugned order withdrawing the recognition granted to the petitioner-Institution and therefore the petitioner is aggrieved by the said impugned order passed by the respondent. Hence, petitioner is before this Court.

6. Learned counsel for the respondent-Indian Nursing Council is present before the Court and he has filed his detailed statement of objection. In the meanwhile, the impleading applicant has come before the Court stating that M/s Mallige Medical Centre Private Limited was started in the year 1994 and all permissions were obtained by the said M/s Mallige Medical Centre Private Limited for running the Nursing school operating from the year 1994 to 2008 under the said management and in the year 2014 one Dr. Muralidhar and his wife Dr.K.Chandrika, proposed to join the management of Mallige School of Nursing and assist in the management of above stated Nursing Institution. Thereafter, a Memorandum of Understanding came to be signed between the Trust and Jnana Educational Trust, wherein it was stated that the School of Nursing pertaining to GNM course shall be conducted at the premises at Jnana Educational

Trust and the Memorandum of Understanding would be valid if the terms and conditions are complied within an outer limit of one year, and the said understanding would come an end on 08.12.2014.

7. It is the contention of the learned counsel for the impleading applicant that the entire permission/recognition to run the Nursing school, was obtained in the name of M/s Mallige Medical Centre Private Limited by providing the necessary documents of the said M/s Mallige Medical Centre Private Limited and therefore, he draws a distinction between the petitioner-Institution entity and that of the M/s Mallige Medical Centre Private Limited, and he also contends that all the documents were produced by the petitioner for obtaining the recognition to run the nursing school and that of the impleading applicant. Therefore, he submits that there is nothing wrong in the impugned order passed in Annexure-A.

8. The fact remains that petitioner-Institution is duly affiliated to Karnataka State Nursing Council and was issued Notification permitting intake of 100 students to GNM course and M/s Mallige Medical Centre which is a part of M/s Mallige Medical Centre Private Limited gave permission to the Nursing students of the petitioner-Institution to utilize the said hospital for clinical facilities and based on which the petitioner Nursing

school was run providing the Nursing course to the students of the petitioners school of Nursing.

9. It is the vehement contention of the learned counsel for the petitioner Sri.Krishna.T, that the withdrawal of recognition order as per Annexure-A by the respondent is bad in law for the reason that they do not have the powers to grant recognition for running the Nursing course and when they do not have the powers to grant recognition, they would not have the powers to withdraw the recognition. He brings to the notice of this Court Section 14 of the Indian Nursing Council Act of 1947. He also relies on the order of this Court dated 24.07.2017 passed in writ petitions No.25355-57/2017 and connected petitions which has been affirmed by the Hon'ble Supreme Court in SLP No.23346-23348/2017 by order dated 11.09.2017, material placed on record to the effect that the respondent does not have the power to grant recognition and therefore, would not have power to withdraw the recognition.

10. On perusal of Annexure-A, the withdrawal of order passed by the respondent-Indian Nursing Council, it is seen that the powers have been exercised under Section 14 of Indian Nursing Council Act wherein it is clearly mentioned that the Mallige School of Nursing had obtained recognition from the Karnataka State Nursing

Council and Karnataka State Government by mentioning M/s Mallige Medical Centre as its parent hospital.

11. Thereafter, based on the complaint received by the Nursing council with regard to incorrect information furnished by the Mallige School of Nursing, the recognition came to be withdrawn. However, Annexure-A is clearly depicts that Mallige School of Nursing conducting GNM course is withdrawn from the Academic Year 2022-2023 in terms of Section 14(3)-B of the Act, which reads as under

> *''14(3)-B;*
> *it is declared that from 11.05.2022, any person obtaining any recognized qualification from Mallige school of Nursing shall be entitled to be registered only in the State of Karnataka subject to orders of the State Government of the Karnataka".*

12. In the Order per-se, apparently it is seen that there is an order of withdrawal of recognition for the running of the GNM course in the Mallige School of Nursing as seen in the impugned order. But, thereafter in the next para, it is further clarified that any person obtained any recognition/qualification from the school shall be entitled to be registered only in the State of Karnataka. However, the learned counsel for the petitioner contends that the Hon'ble Apex Court has

held in another judgment, which he has not placed before the Court, which is in Civil Appeal No.958/2019 which states that he will be permitted to practice anywhere in India, and it is the contention raised by the respondent that, he cannot practice outside the State of Karnataka in case of withdrawal of GNM course by the Indian Nursing Council.

13. Be that as it may, there is rival dispute between the petitioner and impleading applicant with regard to the documents having been provided by the impleading applicant to secure recognition for running GNM course to petitioner-Institution i.e., Mallige School of Nursing. It appears that there is some quarrel between the petitioner and impleading applicant which this Court declines to advert. As it is not the domain of this Court and neither is it a prayer before this Court to advert to such issues as the parties are at liberty to agitate any such issues between them in the appropriate forum known to law.

14. The fact also remains that the petitioner-Institution has been running the Mallige School of Nursing from the year 2022. Under the circumstances, from 2014 to 2022 the petitioner-school of nursing has been running the Institution imparting education to the student of the Nursing course. In that view of the same, I propose to

dispose of this writ petition without interfering with the impugned order of the respondent, and by providing liberty to the petitioner to approach the respondent-Indian Nursing Council by filing necessary application/representation for grant of recognition.

Accordingly, I pass the following order:

ORDER

The petition is disposed of by the following direction.

i. The petitioner is at liberty to file a fresh application/representation to the concerned authority including respondent-Indian Nursing Council for grant of recognition, suitability and any other requirement to run the nursing course for conducting GNM course for the ensuing Academic Year strictly in accordance with law.

ii. On such application being made to the respondent, the respondent shall consider the application/representation of the petitioner within a period of three months from the date of receipt of such application/representation.

iii. Impleading application does not call for any orders to be passed as it warrants no such order on merits and this Court has not expressed any opinion with regard to the merits or demerits of the contention raised by the impleading applicant."

5. In view of the aforesaid facts and circumstances and the undisputed fact that the representation of the petitioner at Annexure M dated 30.06.2023 has not been considered by the respondent even as on today, I deem it just and appropriate to direct the respondent to consider the representation of the petitioner at Annexure M dated 30.06.2023, bearing in mind the earlier order of this Court dated 30.03.2023 passed in Writ Petition No.22685/2022 (EDN-RES), and take appropriate decision/pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition stands ***disposed of***.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

BMV*
List No.: 1 Sl No.: 17