



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

**CWP-23404-2023 (O&M)
Reserved on: 17.12.2024
Pronounced on: 13.01.2025**

Desh Bhagat University

...Petitioner

Vs.

State of Punjab and others

...Respondents

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

**Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Rahil Mahajan, Advocate
for the petitioner.**

Mr. Saurav Khurana, Addl. A.G. Punjab.

**Mr. Ranjit Singh Kalra, Advocate
for respondent No.3-PNRC.**

**Mr. Ambanshu Sahni, Advocate
for respondent No. 4-INC.**

**Mr. T.S. Sidhu, Advocate
for respondents No. 5 to 9.**

ANIL KSHETARPAL, J.

1. The petitioner, a private University has been established under Section 3(1) of the Desh Bhagat University Act, 2012, which received the assent from the Governor on 25.01.2013. The University runs two Colleges, namely, Desh Bhagat Nursing Institute and Sardar Lal Singh Nursing Memorial Institute. Originally, the Punjab Nurses Registration Council (PNRC) granted permission to Desh Bhagat Nursing Institute to admit 50 students in

B.Sc Nursing degree course in the year 2004, however, subsequently, the College came under the Desh Bhagat University. In 2021, Sardar Lal Singh Nursing Memorial Institute was also granted permission to admit 100 students in B.Sc Nursing degree course. Similarly, there was enhancement in entry seats of Desh Bhagat Nursing Institute to 100 from the year 2018.

2. Through this writ petition, the petitioner prays for setting aside the order dated 20.09.2023 (Annexure P-12) passed by Under Secretary to the Government in the Department of Medical Education and Research, Inspection Report dated 16.09.2023 (Annexure P-13) conducted by the Department of Medical Education & Research and order passed on 05.10.2023 (Annexure P-16) by Indian Nursing Council.

3. During the course of arguments, learned counsel representing the petitioner submits that the petitioner is aggrieved of the following two directions:-

“4. The DBU is also directed to pay a fine of Rs.10 lakh to each of the student who has been enrolled over and above the prescribed number of seats to compensate for the trauma and dislocation which the students will have to face.

5) It is also made clear that DBU will have to deposit the fees for the current year. i.e. 3rd year, to the institutions where the students will have to be shifted, as would inevitably be demanded by the respective colleges.”

4. It is not disputed that the Department of Medical Education and Research neither has the jurisdiction to inspect the Nursing Institute nor it has enabling power to pass order debaring the institute to admit new students. It is also not in dispute that pursuant to permission granted by Indian Nursing Council as well as Punjab Nurses Registration Council (PNRC), Desh Bhagat

Nursing Institute has been granted provisional recognition to admit 100 students.

5. It is also not disputed that the order dated 20.09.2023 (Annexure P-12) was passed without granting opportunity of hearing to the petitioner.

6 Keeping in view the aforesaid admitted position, the communication sent by Under Secretary to the Government in the Department of Medical Education and Research to the Chancellor on 20.09.2023 (Annexure P-12) is set aside with liberty to the competent authority to pass appropriate orders after following the principles of natural justice. It would be noted that only the competent authority will be entitled to pass appropriate orders.

7. With these observations, the writ petition is allowed.

8. All the pending miscellaneous applications, if any, are also disposed of.

	(ANIL KSHETARPAL) JUDGE	(SHEEL NAGU) CHIEF JUSTICE
13.01.2025 neeraj	Whether speaking/reasoned :	Yes No
	Whether Reportable :	Yes No