
(2025) 12 OHC CK 1912

In the Orissa High Court

Case No : Writ Petition (C) No. No. 7041, 20464, 28941, 29627, 5959 Of 2025

Barsharani Sahoo And Another

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 24-12-2025

Acts Referred:

Indian Nursing Council Act, 1947 — Section 16

Citation : (2025) 12 OHC CK 1912

Hon'ble Judges : Manash Ranjan Pathak, J;Mruganka Sekhar Sahoo, J

Bench : Division Bench

Advocate : Srinibash Satapathy, P.K. Mohanty, R.C. Mohanty, K.C. Swain, S.S. Sahoo, P.K. Parhi, S.K. Samantaray, A.P. Bose, D. P. Nanda, Subhankar Rout, Debaraj Mohanty, Bijaya Kumar Ragada, Ajay Kumar Roy, Subha Bikash Panda

Final Decision : Dismissed

Judgement

Mruganka Sekhar Sahoo, J

1. We have heard learned counsel appearing for the petitioners in all the writ applications at length.

2. As far as the facts are concerned they are identical and we sum up: advertisement was for centralized counselling and admission to BSc. Nursing, issued by the Directorate of Medical Education & Training, Odisha-opposite party no.2 on 18.05.2024; the last date of the admission was 30.11.2024.

3. Socially and Educationally Backward Classes (SEBC) candidates approached this Court seeking relaxation in the qualifying mark obtained in the common entrance examination, counselling being done by the Nursing Counseling and Admission Committee (O.P.No.2). A coordinate Bench by judgment dated 26.11.2024 in W.P. (C) No.25371 of 2024 allowed the applications. It is noticeable from the said judgment that the last date for admission to the course B.Sc. Nursing and the last date of application seeking admission were not extended. As directed in the said judgment dated 26.11.2024, the opposite party

no.2 made advertisement in the official website and the admission closed by the last date as prescribed by judicial pronouncements and also in the advertisement. The last date was earlier extended from 31st October, 2024 to 30th November, 2024.

4. The students who are the petitioners in the present batch of writ applications concededly were not applicants pursuant to the advertisement dated 18.05.2024 for admission. Some of the candidate-students approached this Court by filing W.P. (C) No.1993 of 2025 filed on 17.01.2025 which was disposed of by common order dated 19.03.2025 as sought for by the petitioners i.e. the representation of the students to be disposed of by the authority. The 'representations were made' seeking admission for the year 2024-25, the last date being 30.11.2024. After rejection of the representation(s) the petitioners are again before this Court by filing the present writ application (s).

5. Petitioners seek direction to be granted the benefit of the judgment dated 24.11.2024 passed in W.P.(C) No.25371 of 2024 by the coordinate Bench, the directions being as indicated herein:

"9. Upon reading of the aforesaid statutory provisions, we are of the view that the SEBCs in the State of Odisha are entitled to such relaxation as is to be provided to OBCs in the guidelines issued by the Indian Nursing Council.

10. This writ application is accordingly disposed of with a direction to the DMET to consider the candidature of these petitioners as OBC candidates for the purpose of fresh admission to B.Sc. Nursing Course, if they furnish relevant certificates in that regard."

6. To comply with the direction contained in the judgment dated 24.11.2024 passed in W.P.(C) No.25371 of 2024 the Director, Medical Education and Training being the Chairman State Nursing Selection Committee had issued notification dated 27.11.2024 which notified thus:

"OFFICE OF THE CHAIRMAN-STATE NURSING SELECTION COMMITTEE, ODISHA

E-mail-convenernursing1@gmail.com

No.907/SNSC-03/2024

BBSR, Dt.27.11.2024

NOTICE

In obedience to Order No.5 dated 26.11.2024 passed by Hon'ble Orissa High Court, Cuttack in W.P.(C) No.25371 of 2024, in partial modification of the Notice No.726/ dated 01.08.2024 it is for the general information that the candidates who appeared in the entrance examination for admission to the Basic B.Sc. Nursing Course for the academic session 2024-25 and belong to the OBC/SEBC (except creamy layer) category, but applied under the General category and

obtained the mark from 40th percentile to 50th percentile are declared as qualified in relaxation as per the terms and conditions prescribed by the INC Guideline. Such candidates can take admission into Basic B.Sc. Nursing course subject to production/submission of the required Caste Certificates to the mail id convenernursing1@gmail.com on or before 29.11.2024 by 11:59 P.M.

This is the information for all concerned.

Sd/-

Jt. DMET, Odisha,

Convener, SNSC"

7. In the earlier writ petition, W.P.(C) No.25371 of 2024, the petitioners therein had approached the Admission Committee seeking benefit as a candidate belonging to either SEBC as per the notification of Government of Odisha dated 22.08.1996 or belonging to the category 'Other Backward Classes' as notified by Government of India, Ministry of Social Justice and Empowerment Resolution No.12015/13/2010-BC-II dated 08.12.2011.

8. Counter affidavit filed in W.P.(C) No.20464 of 2025 on behalf of the Nursing Selection Committee is adopted by the opposite party nos.2 and 3 in all the matters. Since the petitioners do admit that they never had applied for admission by the last date, i.e., 29.11.2024. Response of the Selection Committee is in the context of the fact that whether the admissions taken after the last date claiming the benefit granted to the SEBC/OBC candidates directed by this Court, i.e., reduction of qualifying marks to 40th percentile, can be regularized by the admission/counseling authority.

9. In all the cases, it is submitted by the opposite parties that whichever petitioner(s) had applied, they had applied under 'General Category' requiring them to secure 50th percentile in the qualifying examination. It is also disclosed that by 29.11.2024 pursuant to the order dated 24.11.2024 passed in W.P.(C) No.25371 of 2024 by the coordinate Bench, 268 candidates applied and got admission having secured 40th percentile or more marks in the qualifying examination.

10. Relying on the stand taken in the counter affidavit it is submitted by Mr. R.C.Mohanty for the O.P.-counseling authority that even production of hard copies of documents furnished by the students who have taken admission was allowed which none of the colleges did. He relies on paragraphs 18 & 19 of the counter affidavit in W.P.(C) No. 20464 of 2025. The said paragraphs are reproduced herein:

"18. That, in obedience to the aforesaid direction the petitioner grievances were taken care of. As the name of the Institution in which they are claiming taking of admission was not disclosed, scrutinization of all the uploaded student datas by all the Private Institutions was made and nowhere the name of the petitioners

were found place showing their admission into a particular Institution and after exercise of steps taken by the authorities, they are intimated the order of rejection of their admission which was issued on dtd.10.04.2025 (Annexure-12 of the Writ Petition).(sic)

19. That, it is pertinent to mention here that as per letter no.908 dtd.28.11.2024 Annexure-10 of the Writ Petition it is stated therein "further w.e.f.01.12.2024 to 31.12.2024, the online uploading process of admitted student details in the management quota are to be completed by the concerned institutions. However it is observed that some of the institutions are not being able to upload the student list due to obvious reasons. In order to resolve the problems, the institutions who are not being able to upload the student data within 15 days i.e., on or before 15.12.2024 can produce the hard copies of the documents with a forwarding letter along with a list of the candidates personally or through speed post/courier/Reg. post etc. be reached on or before 31.12.2024 by 5.00 P.M. positively. Besides that, technical support can provided for uploading the data by the undersigned beyond 15.12.2024 (i.e. w.e.f.16.12.2024) to till 31.12.2024, if required by the respective institution on personal contact". But the fact remains the Institution Maa Tarini College of Nursing did not submit its students data in pursuant to the aforesaid notification. Rather the purported document as under Annexure-14 of the Writ Petition was created showing as the same was submitted before the authority. No letter has been received from the above said Institution regarding not uploading the student details within the stipulated time." (sic)

11. Referring to the case of students who claim to have taken admission Maa Tarini College of Nursing students in W.P.(C) No. 20464 of 2025, it is stated in the counter filed by the Nursing Counselling Authority that there is only one student who had taken admission in the management quota and the institution-Maa Tarini College of Nursing had not submitted its student data as required and notified.

12. Since similar applications are taken up together, the learned counsel Mr. R.C.Mohanty submits that by and large none of the colleges have submitted any student data for which there cannot be any further consideration by the authority in absence of production of data of admission of students by the last date notified. It is submitted and we also find force in the submission, that the authority cannot extend the last date of admission of students without there being any such statutory provision or directions of the Court.

13. The principal ground urged in favour of the petitioners before this Court is that by the advertisement dated 27.11.2024 after the judgment dated 26.11.2024 the students did not get sufficient time to apply by the last date: 30.11.2024.

In our considered view, the said submission being devoid of merit has to be rejected, as we would elaborate hereinafter. By the judgment dated 26.11.2024,

the Coordinate Bench had not granted any further extension of time. As a necessary corollary the authority could not have extended the time. By filing counter in the connected writ application W.P. (C) No.20464 of 2024 the authorities have brought to the notice of this Court that pursuant to the advertisement made online on 27.11.2024, 283 (two hundred eighty three) SEBC/OBC candidates have taken admission before the last date i.e. 30.11.2024.

14. As on date, the judgment dated 26.11.2024 has attained finality not having been challenged by any of the parties. We being the coordinate Bench we agree with the conclusions in the said judgment.

15. The guidelines issued by the Indian Nursing Council in exercise of the power under Section 16 of the Indian Nursing Council (INC) Act, 1947 gives the benefit of relaxation of marks, i.e., 40th percentile (instead of the requirement of 50th percentile) for candidates who belong to the SEBC/OBC category. The common cause advanced by all the petitioners is that given a chance they could have applied seeking admission to the course of B.Sc. Nursing and similar other courses.

16. We also find from the pleadings of the parties that none of the petitioners had approached this Court seeking extension of time to fill up admission form nor there was any interim order in any of the petitions to that effect.

17. Learned senior advocate Mr. D.P. Nanda appearing with Mr. S. Rout, learned counsel in some of the petitions relies on the notification under Annexure-16 to the Writ Petition No.20464 of 2025 i.e. notification dt.28.10.2024 issued by the Indian Nursing Council- O.P. No.5 and relies on part thereof which is extracted herein:

“NOTIFICATION No.14 of 2024

Sub : Extension of last date of Admission for the all Nursing Programs for Academic Year 2024-25-reg.

In continuation to earlier notification no.11 of 2024 dated 20.09.2024, Indian Nursing Council has considered the request from the States with respect to extension of last date of admission for all nursing programs ie. ANM, GNM,B.Sc. (N),PBB. Sc.(N), M. Sc.(N), Post Basic Diploma and NPCC for the Academic Year 2024-25 till 30th November,2024.

The total number of students admitted upto 31st October, 2024 (regular batch) and 30th Nov 2024 (irregular batch) should add up to the sanctioned strength and shall not exceed the Annual intake.”

It is contended by the learned Senior Advocate that the students who had missed the admission by the last date, may derive benefit of the said notification dated 28.10.2024 dealing with ‘irregular batch’ of students.

18. Now we deal with the contention raised by Mr. Nanda. In our considered opinion, the students who have taken admission after the notified last date i.e.

29.11.2024 cannot take advantage of the said notification as the notification itself makes it clear that the 'regular batch' would be students admitted upto 31st October, 2024 and the irregular batch would be students admitted after 31.10.2024 upto 30th November, 2024.

The notification has to be read in the context that the students who had applied through the counselling process after the last date of admission was extended till 30th November, 2024, can take the benefit but the said notification dated 28.10.2024 cannot be interpreted to hold that the students who did not apply and had not taken admission upto extended last date 30th November, 2024 can get the benefit.

19. In all the cases before us, the facts are stark and conspicuous. The petitioners never had applied for seeking admission to B.Sc. Nursing before 30th November, 2024 as per the data available with the counselling authority. The colleges those had 'given admission' to the students, as claimed, are not before us. The students-petitioners for the reasons best known to them, have not arrayed any of their colleges as party for this, Court to delve into the issue regarding date of admission.

20. The counselling authority, in very clear terms have filed counter stating that the student data furnished by the colleges do not indicate the colleges having admitted any of the petitioner-students by 30.11.2024 i.e., the last date as notified by Indian Nursing Council.

21. Some of the students have been candid enough to disclose before the Court that their admission is after the last date, 30.11.2024 as they were not aware of the judgment of this Court by the coordinate Bench in W.P.(C) No. 20464 of 2025. For example in W.P.(C) No.28941 of 2025, the petitioner has stated the date of admission to be 06.12.2024.

22. In none of the cases, it is contended by the petitioners that they had applied to the Selection Committee for taking admission to the course in B.Sc. Nursing as a SEBC/OBC candidate. Common ground that is taken in all the writ applications is that the petitioners were not aware of the advertisement dated 27.11.2024. It is not asserted by the petitioners that they had sought for admission to B.Sc. Nursing seeking benefit meant for OBC/SEBC candidates. The petitioners had not approached this Court like the petitioners in W.P.(C) No.25371 of 2024 as they are recognized as Socially & Educationally Backward Classes (SEBC) under the Government of Odisha Notification M-23/93 dated 22.08.1996 (W) that was published in the Gazette of Odisha.

23. The issue before us can be looked from another angle. As we were hearing the matter, we had pointedly asked the learned counsel for the petitioner-student-candidates that if at all, any of them had sought for to get impleaded in the disposed of writ application, W.P.(C) No. 20464 of 2024, the answer is a candid 'No'.

24. In our considered view, the decision rendered by the coordinate Bench not granting any further extension of the date of admission, has attained finality. Somehow the students have kept on filing writ applications. This Court does not have the power to extend the last date of application after it is notified by the statutory authority i.e., INC in this case.

25. There is a possibility that the students want to take admission by getting the benefit of relaxation of marks made for SEBC/OBC candidates in the year 2025-26. However that would depend on, they applying for the same and getting through the cutoff mark, if they are found eligible as per the cutoff mark of SEBC/OBC candidates to take admission. But in no case the said admissions can be beyond the last date mandated by the Indian Nursing Council i.e. 30.11.2025 for the academic session 2025-26.

26. We have also asked the learned counsel for the party-students as well as the counselling authority whether they can take admission as students for the educational year 2025-2026. In response the answer on behalf of the petitioners is that they have not applied for the selection/counselling conducted for the academic year 2025-26.

Therefore, there is no scope for this Court to consider, exhypothesi, whether the students can take admission as candidates for academic 2025-26.

27. In view of the above discussions, we hold that the writ applications are devoid of any merit. Accordingly, the writ applications are dismissed.