

(2012) 08 KAR CK 0007

In the Karnataka High Court

Case No : Writ Petition No's. 25427 - 476 of 2012 (Edn-Ad)

Mathru School of Nursing and Others

APPELLANT

Vs

Karnataka State Nursing Council and The Secretary Medical
Education

RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0007

Hon'ble Judges : Ram Mohan Reddy, J

Bench : Single Bench

Advocate : K.N. Mohan, for the Appellant; Shivarudra, Advocate for R-1 Sri.
N.B. Viswanath, Aga for R-2, for the Respondent

Final Decision : Allowed

Judgement

Ram Mohan Reddy

1. The relief in these writ petitions filed by the Management of a Nursing School and the students are to direct the respondent-Karnataka State Nursing Council to approve the admissions of petitioners to the first year G.N.M.Course (General Nursing and Midwifery course) and for a mandamus to the 1st respondent to forward the list of the students to the Nursing Examination Board to enable them to ensue first year G.N.M. examinations. Learned Counsel for the parties submit that in identical circumstances, a learned Single Judge by Order dt. 1.6.2012 in W.P.3.7016-76/2012 in the case of Sri Vagdevi School of Nursing & others -vs- Karnataka State Nursing Council allowed the petition on certain terms and that these petitions too be allowed in the like terms.

2. Sri.Shivarudra, Learned Counsel for the Karnataka State Nursing Council does not oppose the submission. For the very same reasons as are set out in the said order, these petitions are accordingly allowed. In the result, the petitions are ordered in terms of the Order dt. 1.6.2012 in W.P.17016- 17076/2012 as extracted below:

6. On hearing the learned advocates, I pass the following order:

- i) The respondent No.1 shall examine whether the first petitioner has all the statutory clearances to run the GNM Course.
- ii) The respondent No.1 shall also examine whether the petitioner Nos 2 to 61 meet the eligibility criteria in all other respects for being admitted to the GNM Course.
- iii) The respondent No.1 shall also examine whether the admission has taken place within the prescribed last date.
- iv) If the respondent No.1 is satisfied that the petitioner No.1 has all the statutory clearances and the petitioner Nos.2 to 61 have all the eligibility and if the admissions are made before the prescribed last date, the respondent No.1 is directed to accord approval to the admissions of the petitioner Nos.2 to 61. It shall not reject the approval only on the ground of delay in submitting the admission list.
- v) For not adhering to time schedule in the matter of submission of admission list, the first petitioner is directed to pay the late fees/penalty at the rate of Rs.1,000/- per student. It shall pay Rs.60,000/- to the first respondent. It is made clear that the said amount shall not be collected from the petitioner Nos.2 to 61. The amount of penalty has to be borne by the first petitioner alone.
- vi) On the petitioner No.1 paying the penal amounts and on the respondent No.1 satisfying itself of the first petitioner's entitlement to admit the students and the petitioner Nos.2 to 61 meeting the eligibility criteria, if the respondent No.1 approves the admissions of the petitioner Nos.2 to 61, the same shall be intimated to the respondent No.2 immediately so as to enable the petitioning students to appear for the forthcoming GNM Examination.