
(2025) 12 PAT CK 1246

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.18568 Of 2024

Nalanda Nursing School

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 16-12-2025

Acts Referred:

Citation : (2025) 12 PAT CK 1246

Hon'ble Judges : Harish Kumar, J

Bench : Single Bench

Advocate : K. P. Gupta, Satya Vrat

Final Decision : Disposed Of

Judgement

Harish Kumar, J

1. Heard the learned Senior Advocate/Advocate appearing on behalf of the respective parties.
2. Considering the identical issue involved in both the writ petitions, they are being heard together with the consent of the parties and disposed of by this common judgment.
3. For the convenience, the brief facts of the case are being separately mentioned hereunder:
4. The petitioner, a Nursing School, invoked the jurisdiction of this Court through its Secretary, on being aggrieved with the order passed by the respondent Additional Chief Secretary, Health Department, Government of Bihar, as contained in Memo No. 1390(6) dated 22.10.2024 whereby the prayer of the petitioner to grant affiliation/recognition for conducting General Nursing and Midwifery (GNM) course came to be turned down on the ground that as per the State Policy granting Affiliation/Recognition to the private Nursing Schools has been withheld for the reason that previously running private nursing schools are under inspection of their imparting quality education. The petitioner further

seeking a direction upon the respondents to issue necessary order of recognition to the petitioner's institution in the light of the recommendation made by the respondent no.5 under letter dated 31.01.2018 for grant of recognition to the petitioner's institution for conducting GNM course.

5. The Nursing School, in question, was established for conducting General Nursing and Midwifery course, seeking grant of permission and recognition to impart said course, the Secretary of the School had filed an application. On being satisfied the School was granted permission by respondent no.3 for starting GNM Course under Memo No. 410(6) dated 24.05.2018 in terms with the Nurses Training -Recognition, Affiliation and Conduct of Examination of School of Nursing Rules, 1997 (hereinafter referred to as 'the Rules, 1997'). The school was inspected by a duly constituted inspection team and after thorough verification of the record and the physical inspection of the school, recommendation has been made for conducting GNM courses for the Academic Session 2019-20. However, the Under Secretary of the Health Department, Government of Bihar sought an explanation with regard to certain discrepancies/deficiencies, the same was immediately removed and a report in this regard was also submitted, however, the concerned respondents did not take any decision, which led to filing of C.W.J.C. No. 19359 of 2019. The said writ petition came to be disposed of with a liberty to petitioner to approach before the authority concerned. The request of the petitioner was refused, which led to another round of litigation in C.W.J.C. No. 571 of 2022. The order rejecting the claim of the petitioner for grant of affiliation to the aforesaid Nursing School was set aside vide order dated 12.09.2024 with a direction to respondent no. 4 to pass a reasoned and speaking order.

6. This time again the authorities concerned has come out with the impugned order dated 22.10.2024 and refused to grant affiliation to the petitioner's School on the ground that the entire process of granting affiliation/recognition to the Private Nursing Schools have been withheld for the reason that the Survey/enquiry work of earlier running Nursing Institutions are being carried out through the Quality Council of India. In the aforesaid premise, the present writ petition came to be filed.

7. The petitioner, Nursing Training Institute, has approached this Court through its Managing Director, seeking a direction upon the respondent State authorities to grant permission/recognition extending the number of seats to an intake of 100 students in GNM Course, since the institution has fulfilled each and every criteria for the same in view of the inspection report dated 28.06.2024 whereby recognition has been made in favour of the petitioner's institution.

8. The petitioner's institution runs under a registered Trust established for conducting different Nurses course with all the necessary infrastructure. The institution has been accorded recognition from the State Government for conducting A.N.M., G.N.M., B.Sc. Nursing courses for an intake of 60 students, after having obtained due affiliation from the competent authority. In order to

excel the institution, the petitioner filed an application on 06.11.2023 before the Department of Health, Government of Bihar, requesting therein to grant extension of seats in GNM courses from 60 to 100. On receipt of the application, an inspection team was constituted in terms of letter no. 2034(6) dated 26.12.2023. After verification of the records and physical inspection of the Institute, the inspecting team has submitted a detailed inspection report and recommended for extension of 40 more seats of admission in G.N.M. course with a total intake of 100 seats. Notwithstanding the inspection, having been made and a report has been submitted with the recommendation for extension of the intake of 100 seats, no final decision has been taken, hence the petitioner has approached this Court.

9. Learned Senior Advocate, Mr. P. N. Shahi, along with Mr. Arun Kumar, learned Advocate for the petitioners have unanimously submitted that despite the institution/school having been inspected by a duly constituted Inspecting Committee/Team and made a favourable recommendation for grant of affiliation/recognition and extension of 40 more seats for admission respectively, till date no final decision has been taken on the ground that a policy decision has been taken by the Health Department, Government of Bihar and in the light of the said decision the pending applications of Nursing Institutions for granting permission/recognition in all other stages have been kept on hold on the basis of ?As is where as? till the completion of survey/enquiry work of already running Nursing Institutions by Quality Council of India. It has also been informed by the Quality Council of India that after completion of the survey/enquiry and review of the work, a report would be submitted pertaining to all the stages with analysis to Bihar Nursing Registration Council.

10. It is the specific contention of the learned Senior Advocate/Advocate of the petitioners that there is a specific provision under the Rules, 1997 that after receipt of the inspection report of the Institution submitted by the Inspecting Team, the State Government has to take a final decision within a period of six months. Despite the lapse of more than a year together, no final decision has been taken and the fate of the institutions as well as students are hanging in uncertainty. It has also been pointed out that some of the institutions, who have approached before the concerned authorities during the interregnum period, in their favour order of affiliation/recognition have been granted, but certainly ignoring the claim of the petitioners; hence they have taken the shelter of this Court.

11. Before parting with the cases, it would be relevant to note that in pursuant to the direction of this Court, a third Supplementary Counter Affidavit has been filed on behalf of respondent nos. 1 to 5 with regard to the current status of the survey/enquiry and review work of of already running Nursing Institutions. In pursuant thereof, it has been informed to this Court that Quality Council of India has submitted its final rating report on the basis of infrastructure, teaching learning process and other criteria of already running Nursing Institutions to the

Registrar, Bihar Nurses Registration Council, Patna vide letter dated 23.09.2025, which has also been communicated to the Director-in-Chief (Nursing), Health Services, Bihar, Patna vide letter dated 26.09.2025.

12. Learned Advocate for the State in response to the submissions led by the learned Senior Advocate/Advocate for the petitioners submitted that after receipt of the Quality Council of India rating report, the same is being reviewed at the department level and accordingly necessary departmental action shall be taken, based upon the said report.

13. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the specific averments made in the 3rd Supplementary Counter Affidavit filed on behalf of respondent nos. 1 to 5 that the Quality Council of India has already submitted its final report, the impediment as shown by the respondents and the reason for rejection of the claim of the petitioner in C.W.J.C. No. 18568 of 2024 is no more survived and accordingly, the impugned order, as contained in Memo No. 1390(6) dated 22.10.2024 is hereby set aside.

14. Since this Court has been apprised that the inspection of the School/Institute have already been done by a duly constituted Inspection Team and inspection report(s) has/have already been submitted, which are pending consideration before the competent authority, thus it is incumbent upon the concerned authority to take a final decision in terms with the prescriptions of Rules, 1997 and The Bihar and Orissa Nurses Registration Act, 1935, preferably within a period of six weeks from the date of receipt/production of a copy of this order in accordance with law.

15. Both the writ petitions stand disposed off to the extent mentioned hereinabove.