

(2013) 08 P&H CK 0651
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 11605 of 2012

Narendra Nath and Others	Vs	APPELLANT
Union of India and Others		RESPONDENT

Date of Decision : 06-08-2013

Acts Referred:

Indian Nursing Council Act, 1947 — Section 13(2)

Citation : (2013) 08 P&H CK 0651

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Advocate : P.S. Bhangu, for the Appellant; Raghubir Tejpal, Advocate, for respondent nos. 2 and 3, Mr. Munish Jolly, Advocate and Mr. Hari Pal Verma, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The petitioners are presently employed as Nurses in various hospitals. They have completed their Post Basic Nursing Degree Programme Course (P.B. B.Sc. Nursing) from respondent no. 5 which is run by respondent no. 4 and is affiliated with respondent no. 2. Respondent no. 2 has issued their Degrees of the P.B. B.Sc. (Nursing). The grievance of the petitioners in the present case is that their degree of P.B. B.Sc. (Nursing) is not being recognized, therefore, direction has been sought in this regard.

2. Counsel for the petitioners has submitted that it is mentioned in the prospectus that the preparation and launching of P.B. B.Sc. (Nursing)

3. Degree Programme has been agreed upon by the Indira Gandhi National Open University (IGNOU) at the request of the Indian Nursing Council (INC). It is further submitted that the programme is implemented through a network of Programme Study Centres (PSCs) all over the country. The PSCs are located in recognized Colleges of Nursing by the Indian Nursing Council. It is further argued that in pursuance of Section 13(2) of the Indian Nursing Council Act, 1947

(hereinafter referred to as the Act), the Indian Nursing Council has declared that the P.B. B.Sc. (Nursing) course conducted by the IGNOU is an approved course for the study, for admission to an approved examination for said course and the number of students to be admitted were also mentioned as 25 to 30 to each study centre.

4. The actual dispute in this case has started when the Post Graduate Institute of Medical Education and Research, Chandigarh (PGIMER) was informed through their application filed under the Right to Information Act, 2005, that the Adesh College of Nursing, Study Centre of IGNOU for P.B. B.Sc. (Nursing) is not recognized by the Indian Nursing Council.

5. Counsel for the petitioners has further submitted that the Indian Nursing Council has already been recognized and permitted to admit students for the academic session 2011-2012 to the extent of 40 seats in respondent no. 5-institution, therefore, the respondents cannot deny recognition to the Degree granted to the petitioners.

6. Counsel for respondent no. 6-Indian Nursing Council has submitted that the petitioners have relied upon document Annexure P-14 to state that two nursing institutions mentioned at serial nos. 378 and 379 i.e. Adesh Hospital & Research Centre Pvt. Ltd., College of Nursing, Kotkapura Road, Muktsar, Punjab and Adesh Institute of Medical Science and Research, Barnala Road, Bathinda have been shown in the list of recognized institutions for conducting P.B. B.Sc. (Nursing) course, but these courses are recognized as regular full time courses by attending proper regular classes and cannot be compared with the distance learning courses conducted by IGNOU through various study centres. It is further submitted that at no point of time, the Indian Nursing Council had given permission for recognizing the courses conducted by IGNOU by respondent no. 5 and in this regard, he has referred to the list of Colleges of Nursing of IGNOU course recognized and permitted to admit students, which is attached as Annexure R-2, in which various institutions, management and number of seats in various study centres have been mentioned and in the State of Punjab only one College has been recognized and permitted for IGNOU course which is Christian Medical College & Hospital College of Nursing, IGNOU Study Centre, Ludhiana, to whom 30 seats have been allotted.

7. Counsel for respondent no. 6 has also relied upon a decision of this Court in the case of Shiv Shakti Educational Society (Regd.) Vs. State of Punjab and Others in which it has been held that:-

21. We have already referred to the provisions of the INC Act. The Preamble of the Act shows that the object of the Act was to establish a uniform standard of training. It provided for recognition of qualifications by institutes mentioned in the Schedule and also for making regulations for prescribing conditions for admission to courses of training. Such regulations have been statutorily framed and Regulations (Annexure R4/2) provide obtaining of No Objection/Essentiality

Certificate from the State Government, assessing suitability of an institution by the Indian Nursing Council before the programme commences, grant of permission by the INC for starting the programme, approval of the State Nursing Council and the University. It further provides for admission of students only after approval by the State Nursing Council and the University.

It is obvious that no course can be commenced nor admissions can be granted without permission of the INC, approval of the State Nursing Council and the University and No Objection from the State Government.

8. After hearing learned counsel for the parties and perusing the record, I am of the considered opinion that the prayer made by the petitioners cannot be granted because as per the Act, no course can be commenced nor admission can be granted without the prior permission of the Indian Nursing Council and in this case, the petitioners have failed to produce any permission of the Indian Nursing Council given to respondent no. 5 for starting the course conducted by IGNOU. All that has been said by the petitioners is that in the prospectus, it has been mentioned that the P.B. B.Sc. (Nursing) Course has been duly agreed upon by the IGNOU at the request of the Indian Nursing Council. In this regard, reference could also be made to a letter of the Indian Nursing Council dated 02.06.2000 in which it has been mentioned that the Indian Nursing Council has declared that the course conducted by IGNOU of P.B. B.Sc. (Nursing) is an approved course to the extent of 25 to 30 seats and respondent no. 5 has also been recognized and permitted by the Indian Nursing Council to admit students for the academic session 2011-2012 to the extent of 40 seats but that was with regard to the regular students and not IGNOU distance learning course as the IGNOU has only granted permission and recognized only one College in Punjab, namely, Christian Medical College & Hospital College of Nursing, IGNOU Study Centre, Ludhiana, to whom 30 seats have been allotted. There is no permission and recognition to the respondent no. 5 in regard to IGNOU course. The reason given by the counsel for the Indian Nursing Council is that for the purpose of giving recognition, the inspection is undertaken by the Indian Nursing Council of the infrastructure of the College because the Indian Nursing Council has been constituted to establish a uniform standards of education of Nursing, mid-wives and health visitors. The recognition and permission was granted when it is found that the College has the required infrastructure to admit a particular number of students.

9. In the present case though admission and recognition have been given by the Indian Nursing Council to respondent no. 5 but only to the extent of 40 seats of regular course and not for the 30 seats of P.B. B.Sc. (Nursing) course through IGNOU. In view of the aforesaid facts and circumstances, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.