

(2024) 10 UK CK 0090

In the Uttarakhand High Court

Case No : Writ Petition Miscellaneous Single No. 2668 Of 2024

Shree Dev Bhoomi Institute Of Education Science And
Technology

APPELLANT

Vs

Indian Nursing Council & Others

RESPONDENT

Date of Decision : 22-10-2024

Acts Referred:

Citation : (2024) 10 UK CK 0090

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : D.S. Patni, Dharmendra Barthwal, Tarun Pande, Devendra Pant, Tilak Ram Sharma

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. The writ petition has been filed by the petitioner substantially for the relief of quashing the order contained in Letter No.18-37/15054-INC dated 07.08.2024, passed by Indian Nursing Council, New Delhi-respondent no.1; the order contained in Letter No.18-37/16268-INC dated 07.08.2024, passed by respondent no.1, annexure-34 to the writ petition and the order contained in Letter No.18-37/16268-INC dated 07.08.2024 passed by respondent no.1, annexure-35 to the writ petition, whereby the petitioner-Institute was not found suitable for increase of B.Sc. Nursing seats from 40 to 60; for starting fresh course of 30 seats for GNM and 30 seats for the Post-basic Nursing Course.
3. On the last date, learned Senior Advocate for the petitioner-Institute argued that the team of the respondent no.1 visited the College and found certain deficiencies in the Institution for granting the permission for running the aforesaid courses and addition of seats, but the main grievance of the petitioner was that the deficiencies were not supplied to the petitioner-Institute and this

Court vide its order dated 01.10.2024 directed learned counsel for respondent no.1 to get clear instructions in the matter as to how and why the petitioner-Institute was not found suitable. That on 08.10.2024, the instructions were supplied to the Court contained in letter dated 25.09.2024, which was taken on record and according to the letter dated 25.09.2024, there are certain deficiencies found which are quoted hereinbelow:-

"1. Clinical facilities inadequate:-

a) Arogyadham Super Speciality Hospital, Ogeasai Hospital and City Heart Centre cannot be considered for the clinical experience of the students as the number of beds are less than 50 (fifty).

b) District Hospital Coronation Gandhi Hospital is already affiliated to many nursing institutions hence, cannot be considered for the clinical experience of the students.

c) 1:3 student patient ratio is not available in the requisite clinical areas as prescribed in the syllabi.

d) Maternal delivery caseloads are less for the midwifery experience of the students to qualify as midwife.

2. Teaching facilities inadequate:-

a) All nursing teaching faculty & nurses working in the hospital shall be enrolled under NRTS. It is mandatory as per the Gazette notification namely Indian Nursing Council (Nurses Registration & Tracking System) Regulation, 2019 dated 7th May 2019."

4. On 08.10.2024, respondent no.1 was directed to file counter affidavit within a period of ten days.

5. Today, learned counsel for respondent no.1 has filed its counter affidavit and in the counter affidavit, it has been reiterated that the deficiencies as pointed out in the letter dated 25.09.2024 are there and the deficiencies should have been removed by the petitioner.

6. Learned Senior Advocate for the petitioner submits that the deficiencies pointed out by the respondent no.1 have already been removed and as such, there are no deficiencies at present for granting the permission and to found Institute suitable for imparting the course as stated hereinabove.

7. Learned Senior Advocate for the petitioner has filed the rejoinder affidavit to the counter affidavit filed by respondent no.1. Along with rejoinder affidavit, certain documents have been filed to demonstrate that the deficiencies shown by the respondent no.1 are not there at all. The attention of this Court is drawn to the page nos.372, 378, 382, 386, 387, 388 & 412 of the rejoinder affidavit and also the page nos.140 & 142 of the writ petition to submit that there are no deficiencies as pointed out by the respondent no.1.

8. Since this Court is aware of its powers and this Court cannot enter into the fact as to whether the deficiencies are there or not, but the only thing which can be done by this Court is to direct the respondent no.1 to conduct the re-inspection in continuation of earlier inspection of the College in order to find out as to whether the deficiencies as pointed out by respondent no.1 are in existence or not.

9. Accordingly, respondent no.1 is directed to conduct the re-inspection of the College within a period of three weeks from today and shall take a decision on the application moved by the petitioner. Further, the CMO, Dehradun shall also be part of the Panel of the respondent no.1.

10. Since respondent no.1 is inspecting the College on the third occasion, therefore, it is provided that no charges for re-inspection will be charged from College. However, College will make all the arrangements for stay, travelling expenses and other expenses of that panel. The inspection report shall be sent to the petitioner-Institute on its mail i.d. 'sdbidoon @ sdbidoon.com'

11. With the aforesaid observations, the writ petition is disposed of finally.

12. Pending application, if any, stands disposed of accordingly.