

(2026) 01 KL CK 1738

In the High Court Of Kerala

Case No : Writ Appeal No. 66 Of 2026

Sri Ramakrishna Sarada School Of Nursing Sri Ramakrishna
Ashrama Charitable Hospital, Sasthamangalam,
Thiruvananthapuram, Represented By Its Principal

APPELLANT

Vs

State Of Kerala Represented By The Principal Secretary To
The Government

RESPONDENT

Date of Decision : 27-01-2026

Acts Referred:

Constitution of India, 1950 — Article 226
Kerala High Court Act, 1958 — Section 5(i)
Indian Nursing Act, 1947 — Section 13, 14, 16

Citation : (2026) 01 KL CK 1738

Hon'ble Judges : Anil K. Narendran, J; Muralee Krishna S., J

Bench : Division Bench

Advocate : George Poonthottam, K.Shaj, Beena N.Kartha, Arun Chand, Bharat Vijay P., Kevin James, Akash Joshi, Minu Vittorria Paulson, Gopika Gopal, Archana P.P., Ren Shibu, Shehroon Patel A.K., Issac Melvin B.O., Alvin Joseph, Nisha Bose, S. Ganesh, Vivek Menon, Dr. Abraham P. Meachinkara, Shameena Salahudheen

Final Decision : Dismissed

Judgement

Muralee Krishna S., J.

1. The petitioner in W.P.(C)No.33806 of 2025 filed this writ appeal under Section 5(i) of the Kerala High Court Act, 1958, challenging the judgment dated 17.12.2025 passed by the learned Single Judge, whereby W.P.(C)No.33806 of 2025 and W.P.(C)No.40066 of 2025 filed by another college of nursing were dismissed.

2. Going by the averments in W.P.(C)No.33806 of 2025, the appellant has been offering the General Nursing and Midwifery ('GNM' for short) Course for several years. On 28.02.2019, the 3rd respondent, Indian Nursing Council ('INC' for short), issued Ext.P1 notification in tune with the National Health Policy, 2017, that there should be a single entry level for nursing, resolving that the existing

GNM Course shall be phased out by the year 2020-2021 and shall be converted into College of Nursing. The said notification was issued to ensure the quality of nursing education; the implementation framework seeks to merge GNM schools with B.Sc. Nursing and have a single entry-level qualification as B.Sc. Nursing for nurses by redesigning the B.Sc. curriculum as practical based and by phasing away the GNM course. By Ext.P3 letter dated 19.09.2019, the 3rd respondent requested the State Government/State Nursing Council to ensure that no new GNM School of Nursing shall be approved from the academic year 2019-20 and no inspection of GNM School of Nursing shall be conducted for the purpose of renewal/restart/enhancement of seats etc. The appellant then sent a letter dated 02.12.2019 to the 3rd respondent requesting reconsideration of discontinuing GNM course, as the course helps many poor girl candidates studying under the appellant institution to lead a good life. To that request, the 3rd respondent sent Ext.P4 reply dated 24.12.2019 stating that the decision to discontinue the GNM course is final and that offering B.Sc. Nursing is the only alternative as it is part of the National Health Policy. In the meantime, in the year 2020, the entire country underwent the COVID-19 pandemic, and there was a shortfall of medical professionals and nurses. Therefore, the National Health Policy underwent severe changes, and the decision to discontinue the GNM course was rolled back, and the permissions were granted by all States to start GNM courses.

2.1 The appellant further pleads that the parent hospital of the appellant filed Ext.P5 application dated 20.07.2024 before the 1st respondent, State of Kerala, seeking No Objection Certificate (NOC) to commence a GNM course. Thereafter, the 1st respondent conducted necessary inspections in the appellant institution and, upon being satisfied with the infrastructure and manpower, by Ext.P6 order dated 16.10.2014 granted No Objection Certificate to commence the GNM course with an intake of 40 seats. Ext.P6 NOC stipulates several conditions, the first among them is that the appellant institution shall have the standards, which are prescribed by the 3rd respondent INC as per their Regulations published from time to time. The second condition is that the appellant shall comply with the guidelines, orders and regulations which are issued by the 1st respondent, State of Kerala and the 2nd respondent, the Kerala Nurses and Midwives Council, from time to time. The third condition is that the appellant shall obtain an approval from the 2nd respondent and suitability certificate from the 3rd respondent, and a letter of permission from the 1st respondent before admitting students.

2.2 The appellant states that after receiving Ext.P6 NOC, the appellant submitted Ext.P7 application dated 17.10.2024 before the 2nd respondent for their affiliation. Accordingly, an inspection was conducted on 21.10.2024 by the 2nd respondent and having satisfied the facilities in the college of the appellant, accorded sanction to commence the GNM course by Ex.P8 order dated 19.11.2024. Thereafter, the appellant submitted Ext.P9 application dated 15.11.2024 to the 3rd respondent seeking a suitability certificate and also an application before the 1st respondent for obtaining the letter of permission. The last date for submitting the application for the suitability certificate and the final

date of allotment of students was on 30.10.2024, which was further extended to 30.11.2024. Aggrieved by the inaction of respondents 1 and 3 in issuing a suitability certificate and letter of permission, the appellant filed WP(C)No.41284 of 2024 before this Court. By Ext.P10 interim order dated 22.11.2024, this Court directed the 1st respondent to permit the appellant to admit the students to the extent permitted in Exts.P2 and P4 provisionally and subject to further orders passed by this Court. Thereafter, on 26.11.2024, by Ext.P11 order, this Court clarified that Ext.P10 interim order shall be binding upon the 2nd respondent as well.

2.3. On 28.11.2024, in compliance with the directions contained in Ext.P10 and Ext.P11 interim orders, the 1st respondent issued Ext.P12 order to include the appellant institution in the admission process of GNM course for the academic year 2024-25 subject to the final orders in W.P.(C)No.41284 of 2024 and on the condition that letter of permission will be issued only after receiving suitability certificate from the 3rd respondent. On 04.12.2024, this Court passed Ext.P13 interim order directing the appellant to permit the induction of students till 09.12.2024. Since the prayer in the writ petition has become infructuous, the appellant withdrew W.P.(C)No.41284 of 2024 with liberty to agitate if any more subsistence grievance remains. The judgment dated 09.12.2024 passed by this Court in that writ petition is produced as Ext.P14 in W.P.(C)No.33806 of 2025.

2.4. On 06.12.2024, the 3rd respondent issued Ext.P15 letter stating that the application for suitability of GNM course submitted by the appellant cannot be considered for the reason that the Ramakrishna Math Trust was already running GNM course in the name of Sri Sarada College of Nursing under Sri Ramakrishna Ashrama Charitable Hospital and now the said institution has been upgraded from GNM to B.Sc.(N) course. Once upgraded, the institution cannot start another GNM programme. Aggrieved by Ext.P15 letter, the appellant submitted Ext.P16 reply dated 18.12.2024 to the 3rd respondent, requesting to reconsider its decision and to issue the suitability certificate. However, the 3rd respondent thereafter issued Ext.P17 letter dated 23.01.2025 stating that the application for suitability of GNM course cannot be considered for the very same reason stated in Ext.P15 letter.

2.5. In the meantime, the appellant institution submitted an application for affiliation for the academic year 2025-26 before the 2nd respondent. The inspection team of the 2nd respondent inspected the appellant institution and submitted a report. On the basis of that report, the 2nd respondent by Ext.P18 order dated 03.07.2025 accorded conditional affiliation to the appellant institution to commence the GNM course with an intake of 40 students for the academic year 2025-26.

2.6. According to the appellant, the 3rd respondent has the sole duty as per the Indian Nursing Council Act, 1947, to merely make sure that any institution that applies for a suitability certificate meets the standards meant for conducting a nursing course in a standardised form. The 3rd respondent cannot deny the

appellant suitability certificate merely because it had applied for upgradation from the GNM course to B.Sc. Nursing is solely due to the National Health Policy that existed in the year 2017.

2.7. The appellant further states that the appellant institution had begun their course in the temporary building at Sasthamangalam, which was inspected by the 3rd respondent, and once its campus at Nettayam, Thiruvananthapuram, had been completed, the appellant institution submitted a request dated 15.07.2024 to the 2nd respondent to shift the college to the new campus. By the decision dated 20.07.2024, the 2nd respondent resolved to allow the college to shift its campus to Nettayam, and thereafter, the 2nd respondent issued Ext.P20 order dated 24.07.2024 allowing the appellant to shift the institution to its new campus. By Ext.P21 order dated 28.11.2024, the Kerala University of Health Sciences ('KUHS' for short) approved the shifting of the college to its own building at Nettayam. The institution where the GNM course is functioning and the institution where the B.Sc. Nursing Course is being conducted are two different entities functioning in two different campuses, six kilometres apart. The building in which the GNM course is being conducted has all the statutory features required to conduct the said course. Therefore, there is no impediment on the part of the 3rd respondent in granting a suitability certificate, which is only a formality. Contending that the decision of the 3rd respondent not to grant a suitability certificate to the appellant, holding that once upgraded, the institution cannot start one more GNM programme as illogical, the appellant filed W.P.(C)No.33806 of 2025 under Article 226 of the Constitution of India seeking the following reliefs:

"i. To declare that the action of the petitioner in applying for upgrade from GNM Diploma Course to B.Sc.(N) due to past policy decisions of the government does not preclude the petitioner from obtaining a suitability certificate to begin a GNM Course for the academic year of 2025 – 2026;

ii. To Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the 3rd respondent to issue suitability certificate without putting up an objection that the petitioner had applied for an upgrade to B.Sc. (Nursing);

iii. To issue a writ of mandamus or any other appropriate writ, order, or direction, directing the 1st respondent to issue Letter of Permission for commencing General Nursing and Midwifery Course in the petitioner Institution, which is covered by Ext.P6 No Objection Certificate in a time bound manner;

iv. To issue a writ of mandamus or any other appropriate writ, order, or direction, directing the 1st respondent to grant the letter of permission to the petitioner institution, provisionally without insisting for the suitability certificate from the 3rd respondent;

v. To Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the 1st and 3rd respondent to include the petitioner institution for the General Nursing and Midwifery (GNM) course, which is covered under Ext.P6 for

centralized allotment process in the academic year 2025-26;

vi. xxxxx

vii. xxxxx

viii. To call for the records leading to the issuance of Exts.P15 and P17 orders and to quash the same by issuing a writ of certiorari or any other appropriate writ, order or direction.”

3. After the filing of the writ petition, along with I.A.Nos.1, 3 and 5 of 2025, the appellant has produced Exts.P19 to P23 documents. On behalf of the 3rd respondent, a statement dated 26.11.2025 was filed in the writ petition opposing the reliefs sought for and producing therewith Annexures R3(1) to R3(4) documents. Paragraphs 5 to 13 of that statement read thus:

“5. It is submitted that in view of the policy of Ministry of Health and Family Welfare to implement the "Single entry level of Nursing", which is one of the key initiatives in the implementation framework of National Health policy, 2017, the Council had issued notifications dated 28.02.2019 and 14.03.2019 for up-gradation of School of Nursing, produced as Ext. P1 and P2 respectively. Further directions were issued to respective state governments and state nursing councils vide letter dated 19.09.2019, produced as Ext P3. It is submitted that "Single Entry level for Nursing, meant instead of two levels of entry into Nursing to having only Single Entry to B.Sc. (N) program by closure of GNM program, for effective delivery of quality nursing services and to improve the status of nursing profession and phasing out of GNM course was a step towards standardization of nursing qualification at entry level.

6. However, subsequently the Ministry of Health Affairs and Family Welfare had changed the earlier directives issued with regard to "Single entry level of Nursing". The Ministry had decided that it is not feasible to implement the said policy at this stage. Therefore, the Council vide notification dated 26.11.2020 had withdrawn the proposal to phase out GNM at this stage. It is submitted that the admissions to the GNM course were continuing even after the academic sessions 2020-2021.

7. It is submitted that the Council has further resolved to encourage institutions, which are running GNM course, to upgrade the said course to B.Sc. (N) on Voluntary basis. In this regard the Council has framed regulations under Section 16 of the Indian Nursing Act, 1947. The Council has framed 'Guidelines/norms for upgradation of the General Nursing and Midwifery (GNM) course to B.Sc. (Nursing) course on voluntary basis, Regulations 2020' vide notification dated 10.12.2020. The said Regulation was notified in the gazette vide notification dated 06.01.2021. True copy of the Indian Nursing Council {Guidelines/norms for upgradation of the General Nursing and Midwifery (GNM) course to B.Sc. (Nursing) course on voluntary basis}, Regulations 2020 is produced and marked as Annexure R3(1).

8. In terms of the said Regulations, all schools of nursing which were recognised by the concerned state nursing council for running GNM courses and were found to be suitable by the Council, were given an option to upgrade to run a College of Nursing i.e. B.Sc. (N) course. Sri Sarada School of Nursing run by the Trust opted for the said regulation for upgradation. Therefore, the Council had considered the application for upgradation and granted suitability to run Sri Sarada School of Nursing as Sri Sarada College of Nursing for 40 seats. The name of the Sri Sarada College of Nursing is also displayed on the website of the Council. True copy of the relevant page of the website displaying the name of the Sri Sarada College of Nursing is produced and marked as Annexure R3(2).

9. It is submitted that upgradation from GNM to B.Sc. (N) means closure: of GNM course or in other words the GNM course is converted/ upgraded to B.Sc. course. Once upgraded an institution cannot start a new GNM course as the nursing institution has taken the benefit of exemptions of inspection or obtaining NOC from the state government. Further, the regulation no. 4 (ii) of the regulations notified by aforementioned notification provides:

"The Schools of Nursing which are applying for upgradation in accordance with the para 4(i) above during the academic year and accorded suitability by the Council, shall admit students only for the B. Sc. (Nursing) course and shall close the GNM course i.e. not admit students for the GNM course from the year found suitable for the B.Sc. (Nursing) course."

10. It is needless to point out that Sri Sarada School of Nursing run by the Trust was treated as closed since 2022 as the same was upgraded to College of Nursing. However, the Trust has applied to the Council for starting another GNM course through a new name i.e. Sri.Ramakrishna Sarada School of Nursing (Petitioner). It is submitted that the Trust is again seeking permissions and suitability certificate to start GNM course on the same address after availing the option to upgrade the GNM course to B.Sc. (N). It is submitted that if the Trust wanted to run both the courses then it ought to have applied for permissions to run B.Sc.(N) separately. However, the Trust chose to avail the benefits of the Regulations framed by the Council for upgradation.

Once the Trust has upgraded the GNM course to B.Sc (N) then the Trust may not be permitted to start the GNM course again. Therefore, the application for grant of suitability to start GNM course by the Sri Ramakrishna Sarada School of Nursing was rejected and same was communicated vide letter dated 06.12.2024. True copy of communication dated 06.12.2024 issued by the Indian Nursing Council is produced and marked as Annexure R3(3).

11. It is submitted that the policy decision of voluntary upgradation was introduced to improve the quality of nursing education by having graduate in nursing as single entry level. Starting of GNM Course after taking benefits of the upgradation regulations defeats the purpose of upgradation. The said Trust having once availed the benefits of the aforesaid regulation cannot be permitted

to grant GNM qualification.

12. Further, it is submitted that the Writ Petitioner's the argument that suitability has been granted to other institutions like Sree Gokulam School of Nursing, is completely misconceived and misplaced. It is submitted that Sree Gokulam School of Nursing applied for suitability for GNM as a fresh course and not under the category of upgraded- school to college of nursing category. Therefore, there is no discrimination while rejecting the application of the Writ Petitioner. It is submitted that the Writ Petitioner has taken benefits of the Regulations framed for upgradation to B.Sc (N) by not getting fresh GO/ NOC for opening B.Sc (N) course. Now the Writ Petitioner is claiming similar treatment as given to the other institutions like Sree Gokulam School of Nursing which is impermissible in terms of the regulations framed by the Council. True copy of communication dated 09-04-2025 issued by the Indian Nursing Council to the Sree Gokulam School of Nursing is produced as Annexure R3(4).

13. The Annexure A1 Regulations notified on 06-01-2021 were introduced on a voluntary basis. The Petitioner after voluntarily availing the benefits of the said regulations cannot claim relief and reopen the old course through a new name."

4. After hearing both sides and on appreciation of materials on record, the learned Single Judge, by the common judgment dated 17.12.2025 passed along with W.P.(C)No.40066 of 2025, dismissed the writ petition. In that judgment, it is clarified that none of the observations in the judgment would preclude the appellant from challenging the Regulations and Exts.P15 and P17. It is further clarified that the students who joined the appellant institution for the academic year 2024-25, based on Exts.P8, P10, P11 and P12, shall be entitled to continue and complete their course as regular students. Being aggrieved, the appellant has filed the present writ appeal.

5. Heard Sri.George Poonthottam, the learned Senior Counsel for the appellant, Smt.Nisha Bose, the learned Senior Government Pleader, Sri.Vivek Menon, the learned Standing Counsel for the 2nd respondent and Dr.Abraham P. Meachinkara, the learned Standing Counsel for the 3rd respondent.

6. The learned Senior Counsel would submit that the appellant institution has applied for starting a new nursing school and did not seek the upgradation of its institution as a nursing college. Therefore, Annexure R3(1) Indian Nursing Council (Guidelines/norms for upgradation of the General Nursing and Midwifery (GNM) course to B.Sc. (Nursing) course on voluntary basis) Regulation, 2020, (the 'upgradation Regulations 2020' for short)is not applicable in the present case. The learned Single Judge went wrong in not considering the binding findings of the judgment of the Full Bench of this Court in Velayudhan Memorial Trust v. State of Kerala [2010 (3) KLT 367]. The learned Senior Counsel further submitted that the appellant has started the GNM course in a separate building far away from the college, wherein the already upgraded B.Sc. Nursing Course has been conducted.

7. On the other hand, the learned Standing Counsel for the INC submitted that as per Regulation No.4(ii) of the upgradation Regulation, 2020, the School of Nursing, which is applying for upgradation in accordance with para 4(i) during the academic year and was accorded suitability by the council, shall admit students only for B.Sc. Nursing course and shall close the GNM course, i.e., not admit students for the GNM course from the year found suitable for B.Sc. Nursing course. In view of the said Regulation, Sri Sarada School of Nursing, run by the Trust, was treated as closed since 2022, as the same was upgraded as College of Nursing. Once the Trust has upgraded the GNM course to B.Sc. Nursing, then the trust cannot be permitted to start the GNM course again. It was stating the said reason, order dated 06.12.2024, was issued by the INC, whereby the application submitted by the appellant towards inspection under Sections 13 and 14 of the INC Act, 1947, for the grant of suitability to the GNM course was rejected.

8. The learned Standing Counsel for the 2nd respondent would submit that a suitability certificate from the 3rd respondent INC, is necessary to start a new GNM course by the appellant.

9. The learned Senior Government Pleader would submit that, as per Clause (C) of Ext.P6 order dated 16.10.2024, the Government has made it clear that to start a new GNM course, the suitability certificate from INC is necessary.

10. As per the pleadings in the writ petition, the appellant institution is functioning under the aegis of Sri Ramakrishna Ashrama Charitable Hospital, Thiruvananthapuram and the said hospital started functioning in the year 1937 as an extension of Sri Ramakrishna Ashram, Nettayam, established in 1916, which is a branch of Ramakrishna Math and Ramakrishna Mission, a worldwide organization with its headquarters at Belur Math, Howrah District, West Bengal. In view of the policy decisions of the Government and Ext.P1 notification dated 28.02.2019 issued by the 3rd respondent, the appellant voluntarily applied for upgradation of the existing GNM course to a B.Sc. Nursing course and by complying all the legal formalities, the said permission was granted to the appellant. Thereafter, the appellant approached the respondents for NOC and a suitability certificate, as the case may be, for starting a new GNM course. Though Ext.P6 NOC dated 16.10.2024 was issued by the 1st respondent and Ext.P8 sanction order dated 19.11.2024 was issued by the 2nd respondent to start the new GNM course by the appellant college, the 3rd respondent has not issued a suitability certificate by conducting an inspection to the appellant college. By Annexure R3(3) communication dated 06.12.2024, the 3rd respondent informed the appellant that the application towards inspection under Sections 13 and 14 of the INC Act, 1947, cannot be entertained for the grant of suitability of the GNM course since the already running GNM course under the Trust has been converted as B.Sc. Nursing Course.

11. The learned Single Judge, by relying on the judgment of the Full Bench of this Court in Pavithran V.K.M. v. State of Kerala [2009 (4) KHC 4], held that as

far as administrative orders are concerned, unless the same is not challenged, it would be binding on the parties concerned. As noted by the learned Single Judge, in Ext.P6 NOC granted by the Government there is a condition to obtain a suitability certificate from the 3rd respondent. Similarly, in Ext.P8 sanction order of the 2nd respondent, there is a condition to follow the norms prescribed by the 3rd respondent INC and Kerala Nursing Council for the conduct of the course. The said conditions in Exts.P6 and P8 orders are not challenged in the writ petition. The conditions in Exts.P6 and P8 orders are binding on the appellant. Moreover, it is pertinent to note that the appellant has no claim in the instant case that a suitability certificate from the 3rd respondent is unnecessary.

12. Regulation No.4(ii) of Annexure R3(1) upgradation Regulations 2020 read thus:

"The Schools of Nursing which are applying for upgradation in accordance with para 4 (i) above during the academic year and accorded suitability by the Council, shall admit students only for the B.Sc (Nursing) course and shall close the GNM course, i.e., not admit students for the GNM course from the year found suitable for the B.Sc (Nursing) course."

13. A reading of the aforesaid Regulation makes it clear that once the GNM course is upgraded to B.Sc. Nursing course, the college shall not admit students for the GNM course and shall close down the GNM course. It is under those circumstances that Annexure R3(3) letter was issued by the 3rd respondent, intimating that no inspection as contemplated under Sections 13 and 14 of the INC Act could be conducted in the college of the appellant. It was considering all these aspects, the learned Single Judge dismissed the writ petition.

14. Having considered the pleadings and materials on record and the submissions made at the Bar, we find no ground to hold the finding arrived at by the learned Single Judge as perverse or illegal, which warrants the interference of this Court by exercising appellate jurisdiction.

In the result, the writ appeal stands dismissed.