



2025:CGHC:39795

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****WPC No. 1038 of 2021**Shri Shankaracharya College of Nursing -**Versus**- State Of Chhattisgarh & Ors.

22.02.2021	Mr. Kshitij Sharma, Advcate for the Petitioner. Mr. Gagan Tiwari, Dy. Govt. Advocate for the State/ Respondent No.1 & 2 Mr. Vikas Dubey, Advocate for the Respondent No. 3. Ms. Parwati Suryawanshi, Advocate on behalf of Mr. Bhupendra Singh, Advocate for the Respondent No.4. Heard on I.A. No. 01, Application for Interim Relief. Learned counsel for the petitioner submits that initially the Annexure P/1 dated 05.08.2020 which was issued by the State was challenged, whereby admission to the GNM course programme was directed to be closed for the academic year 2019-20 and was based on the notification of the Central Government wherein it was decided that the GNM course would be upgraded to B.Sc. Nursing course. Thereafter, Indian Nursing Council has issued a notification on 26.11.2020 wherein it was directed that the GNM programme will also continue after academic year of 2020-21. He would further submit that since the direction of the State was based on the decision of the Central Government and therefore the same automatically stands annulled by the subsequent notification of the Central Government dated 26.11.2020.



Learned State counsel would submit that the State has independently acted in view of Section 10 of Indian Nursing Council Act 1947 and has decided to close the programme of the GNM course.

The notification which is produced by the petitioner dated 26.11.2020 issued by the Indian Nursing Council reads as under:-

“Sub:- Withdrawal of the Single Entry Level for Nursing proposal-reg.

The council had earlier issued Notification of even No. dated 26.02.2019, 14.03.2019 and a detailed circular on the above subject dated 19.09.2019 regarding upgradation of School of Nursing into College of Nursing and Phasing out of GNM programme by the year 2020-21, in accordance with the directions received from Ministry of Health and Family Welfare as a part of implementation of the National Health Policy 2017.

The Ministry of Health and Family Welfare vide their letter No. Z. 28015/73/2016-INC dated 09/10/2020 have informed the Council that **“it has not been found feasible to upgrade School of Nursing to College of Nursing at this stage.”**

Keeping in view of the above direction of the Ministry, the Council hereby notifies that **the proposed Single Entry Level for nursing and phasing out of GNM programme stands withdrawn with immediate effect. Aslo notifications and circulars regarding the Single Entry level program referred above also stand**



ashu	<u>withdrawn.</u> Accordingly the admission of GNM programme <u>will also continue after the academic year 2020-21.”</u> The notification of the Indian Nursing Council specifically speaks that since the Single Entry level for the nursing and phasing out of GNM programme stands withdrawn, as such GNM programme will continue after the academic year of 2020-21. Annexure P/1 <i>prima facie</i> would show that it was based on the notification issued by the Central Government, therefore, considering the above fact, at this stand <i>prima facie</i> the State cannot be allowed to change the stand as against the Annexure P/1. Consequently, taking into the notification of the Central Government, it is directed that the petitioner shall be permitted to take admission in the GNM course in the college for the academic session of 2020-21 by way of an interim measure and the interim admission would be subject to final outcome of this writ petition. List the matter after six weeks. Certified copy today. Sd/- (Goutam Bhaduri) Judge
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