



2026:CGHC:26687

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****WPC No. 2565 of 2020**C.G. Institute of Nursing, Bilaspur (C.G.) **Versus** State Of Chhattisgarh & ors.

23/02/2021	Shri Harshwardhan Parganiya & Shri Rajat Agrawal, counsel for the petitioner. Shri Anurag Dayal Shrivastava, Advocate appears as amicus curiae. Smt. Richa Shukla, Dy.G.A. for the State. Shri Ramakant Mishra, A.S.G. for Union of India. Shri Vikas Dubey, counsel for respondent No.3. Shri Ajay Kumar Dwivedi, counsel for respondent No.4. Heard on application for grant of interim relief. The submission of the petitioner is that in exercise of the power under the Indian Nursing Council Act, 1947, Annexure P-5 has been issued wherein the list of State Nursing Council Recognised Institutions the number of seats have been notified by the Indian Nursing Council to be 30 for the petitioner/college. He would submit that the Indian Nursing Council is not vested with such power as section 10 of the Act of 1947 only speaks about the recognition of the qualification and section 13 of the Act of 1947 would show that the Executive Committee of the Council may appoint such number of Inspectors to inspect any institution, thereafter the report so prepared shall be forwarded to the authority or institution concerned to the Central Government or the State Government or State Nurses Registration Council in which the authority of institution is situated. He would submit thereby the



notification Annexure P-5 whereby the seats have been notified as State Nursing Council Recognised Institution creates a confusion in the students though the recognition of the institution cannot be made by the Indian Nursing Council and the recognition is only confined to the qualification. He would submit therefore the power of recognition is not vested with the Indian Nursing Council. The notification with the number of students intake capacity of students cannot be published which is beyond their jurisdiction. As such it is prayed that Annexure P-5 may be directed to be removed from the website of the Indian Nursing Council since it over reaches their power conferred under section 10 of the Act of 1947.

Shri Anurag Dayal Shrivastava, Advocate who was requested to make a submission would submit that recognition of the qualification is vested with the Council under the Indian Nursing Council Act, 1947. He would further submit that recognised qualification are shown in the schedule thereby one student whose qualification is recognised can very well migrate from one State to another. Referring to Annexure P-5 it is contended that reading of the notification it purports that it confined to list of State Nursing Council Recognised Institutions offering certain courses is the caption. He further refers to the notification of the Indian Nursing Council and submit that recognition to nursing institution vest with the Chattisgarh State Nurses Registration Council, therefore there is no contradiction in the notification which has been made as it only describes the courses which are recognised and do not refer to recognition of institution. He would further submit that as per section 14 of the Act of 1947 which is about withdrawal of recognition the Council has a vast power to withdraw recognition to courses, which includes a



declaration that any person holding a recognised qualification would be confined to a particular State. Therefore for a particular course the council would be within its domain to issue a particular number of student which is recognised as a course.

Learned counsel for Union of India would submit that as per the inspection report Annexure R-6 dated 6th April, 2019 after inspection of the college of the petitioner it was found that size of the class room were very small which were meant for only 30 students and accordingly for a particular course the number of student were confined.

Heard the learned counsel for the parties.

Perusal of the notification Annexure P-5 which is sought to be removed from the website the caption reads as under:-

“List of State Nursing Council Recognised Institutions offering B.Sc (N) Programme Inspected Under Section 13 and 14 of INC Act.

26 Jun 2020”

Reading of it purports that list of State Nursing Council Recognised Institutions offering B.Sc Programme is the caption. If the said notification are read as a whole it highlights the Nursing Council which are recognised by the State and offering particular programme were inspected under 13 and 14 of the INC Act. Therefore the submission of the petitioner that the Indian Nursing Council has acted beyond its power would be a misnomer and section 13 and 14 of the Act of 1947 gives the power to the Indian Nursing Council to confine a particular degree in a particular periphery of the country in a given



condition. Therefore reading it with section 13 and 14 of the Act of 1947 and inspection report dated 6th April, 2019 wherein it is categorically stated that the size of the class room were very small and considering the minimum size of class room 30 students were prescribed. As such the particular degree programme can be said to be confined to 30 students or in other words there can be harmonious interpretation that considering the infrastructure only course of B.Sc. Nursing can be recognised for 30 students alone. Therefore the notification cannot be said to be beyond jurisdiction of Indian Nursing Council specially considering Section 13 and 14(3)(b) of the Act of 1947. Consequently, no order of the like nature can be allowed to override the inspection report of the Indian Nursing Council and the respondent cannot be directed to remove the same from their site.

Accordingly, application for grant of interim relief is dismissed.

Before parting with the order the court expresses it's gratitude to Shri Anurag Dayal Shrivastava who has assisted the court as amicus curiae.

Sd/-

(Goutam Bhaduri)
JUDGE