

GAHC010094962026



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2623/2026

ASSAM INSTITUTE OF NURSING AND ANR
EARLIER ADDRESS - DURGA SARANI, MEHERPUR, BOTERTOL, CACHAR.
PRESENT ADDRESS - UTTAR KRISHNAPUR, PART- II, P.O. -
SONABARIGHAT, P.S.- SILCHAR, DIST.- CACHAR, ASSAM, PIN - 788015,
REPRESENTED BY ITS CHAIRMAN MOBZZIL HUSSAIN BARBHUIYA.

2: MOBZZIL HUSSAIN BARBHUIYA
S/O- LATE ABDUS SALAM BARBHUIYA.
ADDRESS- UTTAR KRISHNAPUR PART-II
P.O.- UTTAR KRISHNAPUR
P.S.- SILCHAR
DIST.- CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY , HEALTH AND
FAMILY WELFARE DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE DIRECTOR OF HEALTH SERVICES
(FAMILY AND WELFARE DEPARTMENT)
ASSAM
HENGRABARI
GUWAHATI- 36.

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
KHANAPARA
GUWAHATI-22

4:THE REGISTRAR

ASSAM NURSING COUNCIL

KHANAPARA
GUWAHATI-22.

5:THE DIRECTOR GENERAL OF POLICE (SB)
KAHILIPARA
GUWAHATI
ASSAM
19.

6:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (SB)
KAHILIPARA
GUWAHATI
ASSAM
19

Advocate for the Petitioner : MR. K MIRA, M. DUTTA

Advocate for the Respondent : SC, HEALTH, GA, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 20.05.2026

Heard Mr. M. Dutta, learned Senior Counsel assisted by Mr. K. Mira, learned Counsel appearing for the petitioner, Mr. D.P. Borah, learned Standing Counsel for Health and Family Welfare Department representing respondent no. 1, 2, 3 and 4. Mr. Pabitra Saikia, learned Counsel, Director General of Police representing respondent no. 5 and 6.

By this application filed under Article 226 of the Constitution of India, the petitioner has prayed for a direction to the respondent authorities particularly respondent no. 1 and 2 to consider and grant enhancement with regard to admission of students for training in the petitioner's institution i.e. Assam Institute of Nursing from 60 seats to 100 seats stated to be in accordance with the revised norms and guidelines issued by the Indian Nursing Council for the

academic session 2026-2027.

The case of the petitioner is that earlier the students admitted for training were 60 in numbers and it is a provided requirement that if the parent hospital has 300 beds then the capacity of the admission of students in the Nursing Institute would be 100 and it is stated that the parent hospital i.e. Silchar Medical College and Hospital has more than 1300 beds and as such the petitioner states that the institute is entitled to admit 100 students for training and as such, a prayer is made for increase of students from 60 to 100 and as such, the petitioner had made a request to the Director of Health Services for such enhancement and the Director of Health Services by a communication to the Joint Secretary, Health and Family Welfare intimated that the petitioner's institution has prayed for increase of the said capacity to 100 and in turn the Joint Secretary to the Government of Assam had asked for certain instructions from the Additional Director General of Police, (SB) who had asked the petitioner institution about certain information which was again furnished by the petitioner institution to the Deputy Superintendent of Police vide letter dated 22.01.2026.

The learned Counsel for the petitioner, therefore, submits that the academic session would start from 01.08.2026 and till date no communication has been given to them with effect to the increase in the student capacity and as such finding no alternative has filed this petition.

Mr. D.P. Borah, learned Counsel for Health and Family Welfare Department submits that the petitioner has not stated the entire facts. He states that the petitioner's institution has not cleared the entire dues to the parent hospital i.e. Silchar Medical College and Hospital and that the parent hospital had decided not to allow the trainee students to continue their training against which the

petitioner's institution has filed another writ petition and during that said case Rs. 3 lakhs was paid as an interim measure and that it was admitted that petitioner's institution has to pay Rs. 27,60,000/- to the parent hospital. However, for the benefit of the students who were continuing their training in the said institute, an interim order was passed not to disturb their training. As such, he submits that the question of enhancing the seats from 60 to 100 does not arise in the case.

In view of the said submission, Mr. M. Dutta, learned Senior Counsel submits that he will get the full instructions and would file an additional affidavit if required.

Mr. D.P. Borah, learned Counsel for Health and Family Welfare Department further submits that the said writ petition which finds mention aforesaid may also be tagged along with the instant writ petition and the number of the said writ petition is 1415/2025.

Prayer is allowed.

Let both the matters be listed together on 17.06.2026.

JUDGE

Comparing Assistant