

GAHC010198432021



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

Case No. : WP(C)/6683/2021

ASSAM ANM/FHW NURSE TRAINING INSTITUTE
REPRESENTED BY ITS CHAIRMAN SRI MOBZZIL HUSSAIN BARBHUIYA,
PO , PS AND DIST HAILAKANDI, ASSAM 788155

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY SECRETARY TO
THE GOVT. OF ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT,
DISPUR GUWAHATI 06

2:THE SPECIAL SECRETARY TO THE GOVT. OF ASSAM

HEALTH AND FAMILY WELFARE DEPARTMENT
DISPUR
GUWAHATI 06

3:THE INDIAN NURSING COUNCIL
TO BE REPRESENTED BY ITS REGISTER CUM SECRETARY
8TH FLOOR
BNCC CENTRE PLOT NO.2
COMMUNITY CENTRE
OKHALA PHASE I
NEW BUILDING.

4:THE ASSAM NURSES

MIDWIVES AND HEALTH VISITORS COUNCIL
TO BE REPRESENTED BY ITS REGISTER CUM SECRETARY
SIX MILE
KHANAPARA
GUWAHATI 22

5:SRIMANTA SANKARADEVA UNIVERSITY OF HEALTH SCIENCES
TO BE REPRESENTED BY ITS REGISTRAR NARAKASUR HILL
BHANGAGARH
GUWAHATI 3

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : SC, HEALTH

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

15.12.2021

Heard Mr. MH. Laskar, learned counsel for the petitioner as well as Mr. D.P. Borah, learned Standing counsel for the Health Department appearing for the respondent nos.1 and 2.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the notification dated 24.02.2020 (Annexure-I) by virtue of which it is proposed that the conduct of examination for Assam Nursing Council for granting diploma in ANM/ GNM would be henceforth be conducted by the Srimanta Sankardeva University of Health Sciences (respondent no.5).

3. The learned counsel for the petitioner has referred to the provisions of the Assam Nurses' Midwives' and Health Visitor's Registration Act, 1944 as well as section 10 Part-I of the Schedule of the Act to project that the Assam Nurses Midwives and health Visitors Council is the prescribed authority to conduct the

examination.

4. Referring to letter dated 17.08.2021 (Annexure-III), it is submitted that in the event the said examination is not recognized by the Indian Nursing Council, the student passing out from the Assam Council may not be able to register in any State other than the State of Assam where the institution is located. Accordingly, it is stated that there will be an adverse effect on the students pursuing diploma course in ANM/ GNM.

5. The learned Standing counsel for the Health Department has submitted that as per para-3.2 of the impugned notification dated 20.04.2020, the proposal to have an examination held by the respondent no.3 was on the basis of the proposal by the Assam Nursing Council. Accordingly, it is submitted that the examination conducted by the respondent no.3 would have no impact on the career of the student presently undergoing the ANM/ GNM diploma courses.

6. Be that as it may, let a notice including notice on the prayer for interim relief be issued on 31.01.2022.

7. Requisite extra copies of the writ petition be served on the learned Standing counsel in course of the day. The petitioner shall take steps for service of notice on the respondent nos.3, 4, 5 by registered post with A/D. Liberty is granted to the learned counsel for the petitioner to collect the postal receipt number from the Registry so as to track service through the postal website of

India Post and to submit the track report before the Registry prior to the next date fixed.

8. In the meanwhile, the respondent nos.1 and 2 shall ensure that by the conducting examination through the respondent no.3 for diploma in ANM/GNM, there would be no impact on the career of the students undergoing the course from the petitioner institute.

9. The learned Standing counsel for the Health Department shall send a downloaded copy of this order to the respondent nos.1 and 2.

10. List the matter on 31.01.2022.

JUDGE

Comparing Assistant