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SLP(C)No. 153 OF 2001  
ITEM No.201

Court No. 9

SECTION XV  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.153/2001

(From the judgement and order dated 08/08/2000 in CWP 10095/93  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

R.B. SEWAK RAM MATERNITY

Petitioner (s)

VERSUS

VEERAN DEVI & ORS.

Respondent (s)

(With prayer for interim relief & Office Report)  
(For Final Disposal)

Date : 11/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Mr. Ashwani Kumar, Sr. Adv.  
Ms. Asha Jain Madan, Adv.

For Respondent (s)  
Mr. Vipin Gogia, Adv.  
Mr. Jaspreet Gogia, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Sukhwinder (Veera Verma)  
Court Master

( Signed order is placed on the file )

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. OF 2003  
(arising out of SLP(C) 153 of 2001)

R.B.Sewak Ram Maternity Hospital....Appellant (s)  
(Charitable Institution)

Versus

Smt. Veeran Devi & Ors....Respondent (s)  
ORDER

Leave granted.

This appeal is directed against the judgment of the Division Bench of the Punjab & Haryana High Court. The respondents herein had undergone the Nurse's Training with the appellant-Institution and later appointed there as nurses and continued in service for a period of 12 years. Thereafter, their services were terminated and at their instance the matter was referred to the Labour Court and the Labour Court, by an award, directed reinstatement of the respondents with full back wages. The award passed by the Labour Court was challenged by the appellant on the ground that these respondents had not secured registration with the Punjab Nurses Registration Council. The Division Bench did not accept this argument and held that the respondents had served the appellant for a period of 12 years and it was unjustifiable on the part of the appellant to remove them from the service and declined to interfere with the award passed by the High Court.

We have heard Mr. Ashwani Kumar, learned senior counsel for the appellant and learned counsel for the respondents. The counsel for the appellant points out that as per the provisions of the Punjab Nurses Registration Act, 1932, under Section 17 of the Act, the nurses have to get a registration certificate before getting appointment as nurses in any hospital or any other institution. The counsel for the respondents on the other hand contended that these respondents had undergone Nurse's Training Course for two years with the appellant, and they issued certificate to these respondents and therefore the appellant cannot now be heard to say that they are not qualified to be appointed as nurses. It may be noticed that the appellant-Institution was not affiliated to an University nor had obtained the permission from the Punjab Nurses Registration Council, or under the Punjab Nurses Registration Act, to run such a course and even if the respondents had undergone that course and obtained certificates, such certificates are not valid in the eye of law and all these respondents had not got registration as per the Act. They were not entitled to be appointed as nurses.

A similar question came up for consideration before this Court in SLP No. 27753 of 1995 and this Court by judgment dated July 19, 1996 took the same view and held that those nurses who had not got registration certificate, cannot be appointed in any hospital in view of the provisions under Section 17 of the Punjab Nurses Registration Act.

The appeal is accordingly allowed and the judgment and order of the High Court is set aside.

.....J.  
(K.G. Balakrishnan)

.....J. (B.N. Srikrishna)  
New Delhi,  
July 11, 2003