

ITEM NO.26

COURT NO.4

SECTION IV-A

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 (C) No. 406/2020

(Arising out of impugned final judgment and order dated 30-12-2019  
in WP No. 28763/2019 passed by the High Court of M.P. at Gwalior)

SHRI NAKODA SHIKSHA SAMITI & ORS.

Petitioner(s)

VERSUS

INDIAN NURSING COUNCIL & ORS.

Respondent(s)

(With IA No. 11169/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No.  
11080/2020 - INTERVENTION/IMPLEADMENT)

WITH

SLP(C) No. 30329/2019 (IV-A)

SLP(C) No. 2216/2020 (IV-A)

(With IA No. 4239/2020 - EXEMPTION FROM FILING O.T.)

Date : 04-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Mr. Ravi Kant, Adv.  
Mr. Mayank Manish, Adv.  
Mr. Chandra Prakash, AOR

Mr. Jasbir Singh Malik, Adv.  
Mr. Manish Kumar Tirthpuria, Adv.  
Ms. Usha Nandini. V, AOR

For Respondent(s)

Mr. T. Mahipal, AOR

Mr. Rahul Kaushik, AOR  
Ms. Bhuvneshwari Pathak, Adv.  
Ms. Shilpi Satyapriya Satyam, Adv.  
Mr. Rahul Khatri, Adv.

Mr. Anilendra Pandey, AOR

Mr. Siddharth Dave, Sr. Adv.  
Mr. Pankaj Pandey, Adv.  
Mr. Girish Tripathi, Adv.  
Ms. Ranjeeta Rohatgi, Adv.  
Mrs. Pragya Baghel, AOR  
Ms. Samten Doma, Adv.  
Ms. Charu Aneja, Adv.

Mr. Tapan Trivedi, Adv.

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

SLP (C) No. 406/2020

On 13<sup>th</sup> January, 2020, this Court allowed the applications for impleadment and issued notice in the matter. Interim relief was also granted in the form of students being allowed to appear in the examination which is being conducted. We have been informed that a number of persons have availed of this benefit. We have also been told that as a result of this order, not only a number of Interlocutory Applications have been filed in this Court but a large number of writ petitions have also been filed in the Madhya Pradesh High Court at Gwalior, piggybacking on this order.

Having heard learned counsel for the petitioner as also the learned counsel appearing on behalf of the respondents, what is clear, on a perusal of the special leave petition before this Court and the counter affidavit filed by respondent Nos. 2-3 before us, which includes the Madhya Pradesh Nurses Registration Council (hereinafter referred to as 'MPNRC'), it is clear that a show cause

notice had been issued to the institution in question on 11.04.2019 after which, on 20.05.2019, the MPNRC cancelled the recognition granted to the institution on various grounds. Neither of these documents is either adverted to in the list of dates or in the special leave petition that has been filed long after viz., on 06.01.2020. This would, obviously, amount to suppression of material facts. This being the case, and having regard to the fact that today, having obtained interim orders before this Court, the petitioner now seeks to withdraw the special leave petition, we make it clear that the interlocutory application for withdrawal is dismissed. Given the above, the special leave petition itself is dismissed with Rs.2 lakhs as costs to be given to the Supreme Court Legal Services Committee within two weeks from today.

I.A. No. 11169/2020

I.A. No. 11080/2020

Shri Siddharth Dave, learned senior counsel appearing on behalf of the applicants, has pointed out that an inspection had taken place by the MPNRC on 24.01.2020 and states that the points held against his client, have answers to each of them. Given the fact that these are applications for impleadment/directions in the main petition which has been dismissed by us today, these application would have no independent legs to stand on. We, therefore, allow the

SLP (C) No. 406/2020 etc.

applicant to revive its writ petition bearing No. 22936 of 2019, which was filed and withdrawn. We make it clear that in this case, we have said nothing on the merits. The High Court may decide the petition on its own merits.

All other interlocutory applications that have been filed in this matter are dismissed as they have no independent legs to stand on.

SLP(C) No. 30329/ 2019

SLP(C) No. 2216/ 2020

In these cases, the Madhya Pradesh Nurses Registration Council is to inspect the premises of the petitioners on Friday, the 07<sup>th</sup> February, 2020 and to submit a report to the petitioners by Monday, 10<sup>th</sup> February, 2020. In case, the report is found to be adverse to the petitioners, the petitioners will be at liberty to challenge the same before the High Court.

The special leave petitions stand disposed of.

(NIDHI AHUJA)  
AR-cum-PS

(NISHA TRIPATHI)  
BRANCH OFFICER