

22958/17

1

T. Krishna

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24<sup>th</sup> DAY OF JULY, 2017

BEFORE

THE HON'BLE MR. JUSTICE L. NARAYANA SWAMY

**WRIT PETITION NOS.25355-25357/2017 (EDN-RES)**

**C/W**

**W.P.NOS. 28383-385/2017 (EDN-RES),**

**W.P.NO. 28705/2017 (EDN-REG-P),**

**W.P.NOS. 26625-26627/2017 (EDN-RES),**

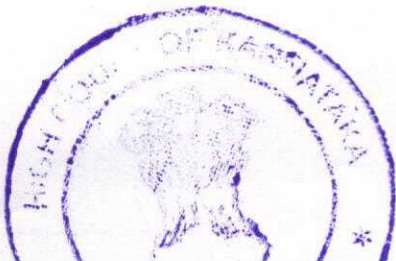
**W.P.NOS. 28378-28382/2017(EDN-RES),**

**W.P.NOS. 27478-27507/2017 (EDN-RES)**

**IN W.P.Nos.25355-25357/2017**

**BETWEEN:**

1. THE KARNATAKA STATE  
ASSOCIATION OF THE MANAGEMENT  
OF NURSING AND ALLIED HEALTH  
SCIENCE INSTITUTIONS  
HAVING ITS REGISTERED OFFICE AT  
NO.7380, DADAPEER LAYOUT, NH-4,  
NELAMANGALA , BANGALORE - 562 123  
REPRESENTED BY ITS PRESIDENT  
SRI S SHIVAKUMAR
2. K M J COLLEGE OF NURSING  
OPP. MALLATHAHALLI BUS STOP  
BANGALORE 560056  
REPRESENTED BY ITS PRINCIPAL  
SRI K P PREMJI



This Certified copy contains.....30.....Pages  
And Copying charges of ₹.....90.....15

3. HARSHA COLLEGE OF NURSING  
 HARSHA HOSPITAL CAMPUS  
 NO.193/4, SONDEKOPPA CIRCLE  
 NH-4, NELAMANGALA  
 BANGALORE - 562 123  
 REPRESENTED BY ITS PRINCIPAL  
 SMT JACINTHA R MARIYAPPA ... PETITIONERS

(BY SRI.NANJUNDA REDDY, SR. COUNSEL FOR  
 SRI.KRISHNA T, ADV.)

AND:

1. THE UNION OF INDIA  
 MINISTRY OF HEALTH FAMILY WELFARE  
 NIRMAN BHAWAN  
 NEW DELHI  
 REPRESENTED BY ITS PRINCIPAL SECRETARY
2. THE INDIAN NURSING COUNCIL  
 8TH FLOOR, NBCC CENTER  
 PLOT NO.2, COMMUNITY CENTER  
 OKHLA PHASE - 1,  
 NEW DELHI - 110002  
 REPRESENTED BY ITS SECRETARY
3. THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
 4TH T BLOCK, JAYANAGAR,  
 BANGALORE 5600011  
 REPRESENTED BY ITS REGISTRAR
4. THE KARNATAKA STATE NURSING COUNCIL  
 ANAND RAO CIRCLE , BANGALORE 560009  
 REPRESENTED BY ITS REGISTRAR
- ... RESPONDENTS

(BY SRI.KRISHNA S DIXIT, ASG FOR R1;  
 SRI.SHIVARUDRA, ADV. FOR R2;



SRI.N.K.RAMESH, ADV. FOR R3;  
SMT.SUMANA BALIGA, ADV.FOR R4)

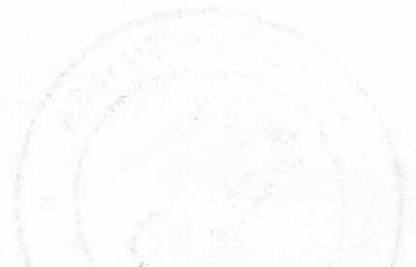
THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE INDIAN NURSING COUNCIL, R-2 HEREIN, HAVE NO AUTHORITY TO GRANT RECOGNITION TO THE INSTITUTIONS IMPARTING NURSING COURSE SUCH AS AUXILIARY NURSE AND MIDWIFE COURSE [ANM], GENERAL NURSING AND MIDWIFERY[GNM], BACHELOR OF NURSING [BSC] AND MASTER OF NURSING [MSC] AND ETC.,.

**IN W.P.Nos.28383-28385/2017**

**BETWEEN:**

1. ROOHI COLLEGE OF NURSING  
NEAR KANNUR VILLAGE HENNUR,  
BAGALUR MAIN ROAD,  
BANGALORE - 562 149  
REPRESENTED BY ITS SECRETARY,  
SRI ALI KHAN
  2. ROOHI SCHOOL OF NURSING  
NEAR KANNUR VILLAGE, HENNUR,  
BAGALUR MAIN ROAD,  
BANGALORE-562 149  
REPRESENTED BY ITS SECRETARY,  
SRI ALI KHAN
  3. THRUPTI INSTITUTE OF NURSING  
SY NO.106/1, NEAR KOTHNUR,  
HENNUR MAIN ROAD, BYRATHI CROSS,  
BANGALORE - 560 077  
REPRESENTED BY ITS PRINCIPAL  
SRI.NIRANJAN
- ... PETITIONERS

(BY SRI.ASHOK HARANAHALLI, SR. COUNSEL FOR



SRI.BHADRINATH R, ADV.)

AND:

1. THE UNION OF INDIA  
MINISTRY OF HEALTH AND FAMILY WELFARE  
NIRMAN BHAWAN  
NEW DELHI  
REPRESENTED BY ITS PRINCIPAL SECRETARY
2. THE STATE OF KARNATAKA  
DEPARTMENT OF HEALTH & FAMILY WELFARE  
MEDICAL EDUCATION,  
M.S. BUILDING,  
BANGALORE-560001  
REPRESENTED BY ITS PRINCIPAL SECRETARY
3. THE INDIAN NURSING COUNCIL  
8<sup>TH</sup> FLOOR, NBCC CENTER,  
PLOT NO.2., COMMUNITY CENTER,  
OKHLA PHASE - I,  
NEW DELHI-110002  
REPRESENTED BY ITS SECRETARY
4. THE RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4TH T BLOCK, JAYANAGAR,  
BANGALORE - 560 011  
REPRESENTED BY ITS REGISTRAR
5. THE KARNATAKA STATE NURSING COUNCIL  
ANAND RAO CIRCLE, BANGALORE - 560 009  
REPRESENTED BY ITS REGISTRAR

... RESPONDENTS

(BY SRI.KRISHNA S DIXIT, ASG FOR R1;  
SRI.A.S.PONNANNA, AAG A/W  
SRI.R.B.SATYANARAYANA SINGH, AGA FOR R2  
SRI.SHIVARUDRA, ADV. FOR R3;



SRI.N.K.RAMESH, ADV. FOR R4;  
SMT.SUMANA BALIGA, ADV.FOR R5)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE INDIAN NURSING COUNCIL, R-3 HEREIN TO REMOVE FORTHWITH, ALL MATERIALS PUBLISHED IN THEIR WEBSITE, INCLUDING THE MATERIALS DETAILED IN ANNEX-A, WHICH INDICATE THAT THE NURSING INSTITUTIONS/COLLEGES AND NURSING SCHOOLS IMPARTING NURSING COURSES HAVE TO OBTAIN RECOGNITION FROM R-3 AND ETC.,.

**IN W.P. NO. 28705/2017**

**BETWEEN:**

KEMPEGOWDA COLLEGE OF NURSING  
K R ROAD, V V PURAM  
BENGALURU - 560 004  
REPRESENTED BY ITS GENERAL SECRETARY  
RAJYA VOKKALIGARA SANGHA  
SRI PROF. M NAGARAJ ... PETITIONER

(BY SRI.M R VIJAYA KUMAR, ADV.)

**AND:**

1. STATE OF KARNATAKA  
HEALTH AND FAMILY WELFARE DEPARTMENT  
VIDHANA SOUDHA  
BENGALURU-560001  
REPRESENTED BY ITS SECRETARY
2. INDIAN NURSING COUNCIL  
8TH FLOOR, NBCC CENTRE  
PLOT NO.2, COMMUNITY CENTRE  
OKLA PHASE-1



NEW DELHI - 110 020  
REPRESENTED BY ITS SECRETARY

3. KARNATAKA STATE NURSING COUNCIL  
NO.17, A STREET  
6TH CROSS, GANDHI NAGAR  
BENGALURU - 560 090  
REPRESENTED BY ITS REGISTRAR
4. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4<sup>TH</sup> T BLOCK, JAYANAGAR  
BENGALURU - 560 011 ... RESPONDENTS

(BY SRI.A.S.PONNANNA, AAG A/W  
SRI.R.B.SATYANARAYANA SINGH, AGA FOR R1  
SRI.SHIVARUDRA, ADV. FOR R2;  
SMT.SUMANA BALIGA, ADV.FOR R3;  
SRI.N.K.RAMESH, ADV. FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED COMMUNICATIONS DTD 14.12.2016 AND THE COMMUNICATION ISSUED BY THE PRINCIPAL SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE (MEDICAL EDUCATION) 17.05.2017 ISSUED BY THE R-1 VIDE ANNX-G AND O RESPECTIVELY.

**IN W.P. NOS.26625-26627/2017**

**BETWEEN:**

1. THE STUDENT NURSES' ASSOCIATION OF THE TRAINED NURSES' ASSOCIATION OF INDIA, KARNATAKA CHAPTER,  
NO.205, 2ND FLOOR,  
"MAHAVEER NEST",  
VEMANA CHARITABLE TRUST,  
DEVARACHIKKANAHALLI,



BANGALORE - 560 076,  
REP. BY ITS ADVISER,  
DR. K. RAMU.

2. SRI. GAGAN SRIVATSAVA. A  
AGED ABOUT 19 YEARS,  
S/O. ASHOK KUMAR LAL,  
1ST YEAR B.SC., NURSING STUDENT,  
DR. AMBEDKAR COLLEGE OF NURSING,  
NO.24, DR. B.R. AMBEDKAR MEDICAL COLLEGE  
& HOSPITAL CAMPUS,  
KADUGONDANAHALLI,  
BENGALURU-560 045.
3. MISS.SABINA KARKI  
AGED ABOUT 20 YEARS,  
D/O. BHUVAN KARKI,  
2ND YEAR B.SC., NURSING STUDENT,  
M.V.J. COLLEGE OF NURSING,  
30TH KM MILESTONE, DANDUPALYA,  
NATIONAL HIGHWAY-4,  
KOLATHUR POST,  
HOSKOTE, BANGALORE-562 114. ... PETITIONERS

(BY SRI.RAJENDRA KUMAR SUNGAY T P, ADV.)

AND:

1. STATE OF KARNATAKA  
DEPT. OF HEALTH AND FAMILY WELFARE,  
(MEDICAL EDUCATION),  
M.S. BUILDING,  
BANGALORE-560 001,  
REP. BY ITS PRINCIPAL SECRETARY.
2. INDIAN NURSING COUNCIL  
NEW KOTLA ROAD,  
TEMPLE LANE,  
NEW DELHI-110 002,



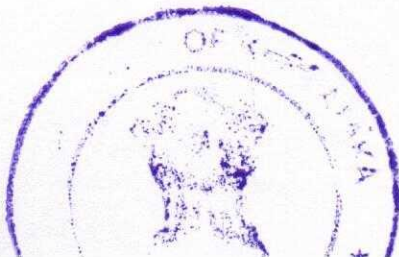
REP. BY ITS SECRETARY.

3. KARNATAKA STATE NURSING COUNCIL  
NO.17, A STREET, 6TH CROSS,  
GANDHINAGAR,  
BANGALORE-560 009,  
REP. BY ITS REGISTRAR.
4. RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES  
4TH "T" BLOCK, JAYANAGAR,  
BANGALORE-560 011,  
REP. BY ITS REGISTRAR.
5. THE KARNATAKA STATE ASSOCIATION OF  
THE MANAGEMENT OF NURSING AND  
ALLIED HEALTH SCIENCE INSTITUTIONS  
HAVING ITS REGISTERED OFFICE AT  
NO.7380, DADAPEER LAYOUT, NH-4  
NELAMANGALA, BANGALORE- 562 123  
(AMENDED CAUSE TITLE VIDE C/O  
DATED : 29.06.2017)

... RESPONDENTS

(BY SRI.A.S.PONNANNA, AAG A/W  
SRI.R.B.SATYANARAYANA SINGH, AGA FOR R1  
SRI.SHIVARUDRA, ADV. FOR R2;  
SMT.SUMANA BALIGA, ADV.FOR R3;  
SRI.N.K.RAMESH, ADV. FOR R4;  
SRI.ASHOK HARANAHALLI, SR. COUNSEL FOR  
SRI.KRISHNA T , ADV. FOR R5)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH  
THE COMMUNICATIONS DTD.14.12.2016 AND 17.5.2017  
ISSUED BY THE R-1 VIDE ANNEX-D AND K RESPECTIVELY AND  
ETC.,.





**IN W.P. Nos.28378-28382/2017****BETWEEN:**

1. ARUNA COLLEGE OF NURSING  
RING ROAD MARALUR,  
TUMKUR - 572 105  
REP BY ITS INCHARGE PRINCIPAL,  
MR.JAGADEESH M
2. ASHWINI COLLEGE OF NURSING  
RING ROAD, MARALUR,  
TUMKUR-572 105,  
REP. BY ITS PRINCIPAL,  
PROF. MRS. SUNEETHA C.J.
3. VARADARAJA COLLEGE OF NURSING,  
TUMKUR - 572 105,  
REP BY ITS PRINCIPAL,,  
SRI G.MADANAPRASAD.
4. SRIDEVI COLLEGE OF NURSING  
N.R. EXTENSION,  
LINGAPURA, SIRA ROAD,  
TUMKUR,  
REP. BY ITS PRINCIPAL, DR.K.RAMU.
5. SRI.RAMANA MAHARSHI INSTITUTE  
OF NURSING, MARALENAHALLI,  
SIRA ROAD, TUMKUR-06  
REP BY ITS PRINCIPAL.  
SRI.S.ESWARAPPA. ... PETITIONERS

(BY SRI.RAJENDRA KUMAR SUNGAY T P, ADV.)

**AND:**

1. THE STATE OF KARNATAKA  
DEPT. OF HEALTH AND FAMILY WELFARE,

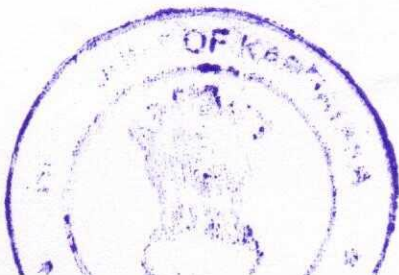


(MEDICAL EDUCATION),  
MS BUILDING,  
BANGALORE-560 001.  
REP. BY ITS PRINCIPAL SECRETARY

2. INDIAN NURSING COUNCIL  
NEW KOTLA ROAD,  
TEMPLE LANE,  
NEW DELHI-110 002  
REP. BY ITS SECRETARY.
3. KARNATAKA STATE NURSING COUNCIL  
NO.17, A STREET, 6TH CROSS,  
GANDHINAGAR,  
BANGALORE-560 009  
REP. BY ITS REGISTRAR.
4. RAJIV GANDHI UNIVERSITY OF HEALTH  
SCIENCES, 4TH T BLOCK,  
JAYANAAR,  
BANGALORE-560 011.  
REP. BY ITS REGISTRAR. ... RESPONDENTS

(BY SRI.A.S.PONNANNA, AAG A/W  
SRI.R.B.SATYANARAYANA SINGH, AGA FOR R1  
SRI.SHIVARUDRA, ADV. FOR R2;  
SMT.SUMANA BALIGA, ADV.FOR R3;  
SRI.N.K.RAMESH, ADV. FOR R4)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE COMMUNICATIONS DT.14.12.2016 & 17.5.2017 ISSUED BY THE R-1 VIDE ANNEX-C & J RESPECTIVELY. DIRECT THE R-2 TO CONSIDER THE APPLICATIONS OF PETITIONER INSTITUTIONS TO RENEW/CONTINUE THE RECOGNITION FOR THE ACADEMIC YEAR 2017-18 UNDER THE PROVISIONS OF INC ACT, 1947 AND ETC.,.

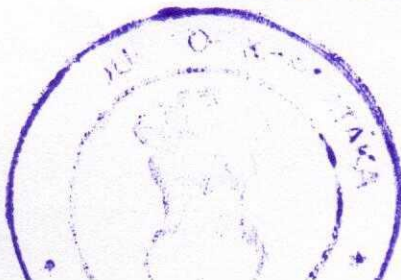


**IN W.P.NOS.27478-27507/2017****BETWEEN:**

1. ADICHUNCHANAGIRI COLLEGE OF NURSING  
B.G.NAGAR -571 448  
NAGAMANGALA TALUK,  
MANDYA DISTRICT,  
REPRESENTED BY ITS PRINCIPAL,  
SRI.K.G.VIJAYAKUMARA.
2. NINS COLLEGE OF NURSING  
ALSO KNOWN AS NANJAPPA INSTITUTE  
OF NURSING SCIENCES AND COLLEGE OF NURSING,  
SAGAR ROAD, GADHIKOPPA,  
SHIVAMOGGA-577 205  
REPRESENTED BY ITS PRINCIPAL  
DR.UMA.G
3. UNIVERSAL COLLEGE OF NURSING  
NIRMALARAM CAMPUS  
ARAKERE, IAM-BPO  
BANNERGHATTA ROAD,  
BANGALORE - 560 076.
4. DR.AMBEDKAR INSTITUTE OF NURSING  
NO.24, DR.B.R.AMC CAMPUS  
KADUGONDANAHALLI,  
BENGALURU-560 045  
REPRESENTED BY ITS CHAIRMAN,  
DR.N.T.MURALI MOHAN.
5. ATHENA COLLEGE OF NURSING  
ATHENA HOSPITAL COMPLEX,  
FALNIR ROAD, MANGALORE-575 001  
REPRESENTED BY ITS MANAGING DIRECTOR,  
SRI.R.SHETTIAN.



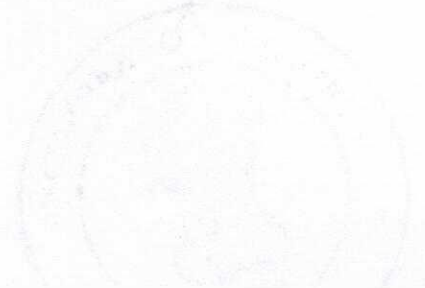
6. SRINIVASA INSTITUTE OF NURSING  
SRINIVASA CAMPUS,  
MERLAPADAV VALACHIL  
ADYA ARKULA BUNDER  
MANGALORE-575 001  
REPRESENTED BY ITS VICE PRESIDENT,  
DR.A.SRINIVAS RAO.
7. NDRK COLLEGE OF NURSING  
B.M.ROAD,  
HASSAN-573 201  
REPRESENTED BY ITS PRINCIPAL  
PROF. BERNICE MARGARET
8. ZULEKHA COLLEGE OF NURSING  
ZULEKHA COMPLEX,  
B.B. ALABI ROAD, BANDARU  
MANGALORE-575 001  
REPRESENTED BY ITS DIRECTOR,  
DR.THAHIR MOHAMMED
9. AECS MAARUTI COLLEGE & SCHOOL OF NURSING  
NO.99, KAMMANAHALLI ROAD,  
OFF BANNERGHATTA ROAD,  
BANGALORE - 560 076  
REPRESENTED BY ITS PRINCIPAL  
PROF. P.GIRIJAMBA DEVI  
REPRESENTED BY ITS ADMINISTRATOR,  
FR.VARGHESE KOCHUPARABIL
10. GOUTHAM COLLEGE AND  
SCHOOL OF NURSING,  
258, 5TH MAIN ROAD, 1ST STAGE,  
WEST OF CHORD ROAD,  
MANJUNATH NAGAR, RAJAJI NAGAR,  
BENGALURU-560 010  
BANGALORE  
REPRESENTED BY ITS SECRETARY  
DR.A.T.S. GIRI.



11. RAJEEV COLLEGE OF NURSING  
KRISHNARAJAPURA,  
HASSAN-573 201  
REPRESENTED BY ITS PRINCIPAL MRS.JACINTA.
12. MANGALA COLLEGE/SCHOOL OF NURSING  
KIADB INDUSTRIAL AREA  
KATTIHALLI, B.M.ROAD,  
HASSAN-573 201  
REPRESENTED BY ITS PRINCIPAL  
PROF. AMALA
13. ETCM COLLEGE OF NURSING  
GOWRIPET, KANAKANAPALYA,  
KOLAR, KARNATAKA-563 101  
KOLAR  
REPRESENTED BY ITS PRINCIPAL  
MR.CHRISTOPHER DAVID
14. ST.JOHNS INSTITUTE OF NURSING  
NO.6, PAPIREDDYPALYA  
NAGARABHAVI II STAGE,  
BANGALORE-560 072  
REPRESENTED BY ITS PRINCIPAL  
PROF. GLADIES VIOLA
15. SREE VENKATESHWARA COLLEGE OF NURSING  
G.G.FARM, DASANAPURA, NH-4,  
TUMKUR ROAD, BANGALORE-562 123  
REP. BY ITS DIRECTOR  
DR.JAYASHREE K.KUMAR.
16. SIDDHARTHA COLLEGE OF NURSING  
AGALAKOTE  
TUMKUR-572 107  
REP. BY ITS PRINCIPAL  
DR.G.SUJATHA.

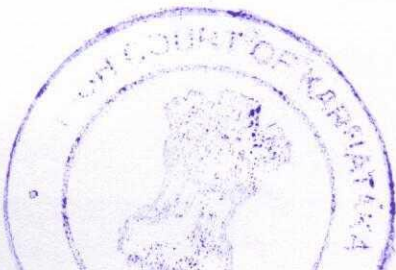


17. GANGOTHRI ACADEMY OF NURSING EDUCATION  
VENKATESHWARA NILAYA  
RAJEEV GANDHI NAGAR,  
VISHWANEEDAM POST,  
BANGALORE-560 091  
REP. BY ITS PRINCIPAL  
DR.RESMI J
18. VIDYA COLLEGE OF NURSING  
NH-17, KOPPALANGADI  
KAPU-574 106  
REPRESENTED BY ITS MANAGING TRUSTEE  
MR.LEVIN D SOUZA.
19. UDUPI COLLEGE OF NURSING  
NH-17, KARAVALI HOTEL COMPLEX  
ADI UDUPI-576 103  
REP. BY ITS PRINCIPAL/CHAIRMAN  
MRS. LEVIN D SOUZA.
20. NANJAPPA TRUST  
ON BEHALF OF NANJAPPA TRUST SCHOOL OF NURSING,  
SAGA ROAD, GADHIKOPPA,  
SHIVAMOGGA-577 205  
REPRESENTED BY ITS TRUSTEE,  
DR.AVINASH D.B.
21. KLE SOCIETY  
ON BEHALF OF KLE INSTITUTE OF NURSING  
SCIENCES IN BELGAVI/HUBLI/ANKOLA/DANDELI  
KPTCL COLONY, NEHRU NAGAR ROAD,  
NEHRU NAGAR,  
BELAGAVI-590 010  
REPRESENTED BY ITS SECRETARY DR.B.G.DESAI.
22. MANGALA CHARITABLE TRUST  
ON BEHALF OF MANGALA COLLEGE AND  
SCHOOL OF NURSING VAJRA HILLS, KADRI ROAD, KADRI  
MANGALORE-575 003



REPRESENTED BY ITS CHAIRMAN &  
MANAGING TRUSTEE DR.GANAPATHI P

23. K.PANDYARAJAH BALLAL CHARITABLE TRUST  
NO.2456, KAMALA KUNJ,  
SUBHAS NAGAR,  
SOMESHWARA ROAD,  
ULLALA, MANGALORE-575 020  
REPRESENTED BY ITS MANAGING TRUSTEE,  
DR.PRIYA BALLAL K.
24. AMARSHANTH CHARITABLE TRUST (R)  
PADMANABHA TEMPLE ROAD,  
KUDUPU  
MANGALORE-575 025  
REPRESENTED BY ITS MANAGING TRUSTEE  
DR.M.SHANTHARAM SHETTY
25. CITY EDUCATIONAL TRUST (R)  
ON BEHALF OF VIDYARATHNA SCHOOL &  
COLLEGE OF NURSING,  
CITY HOSPITAL CAMPUS  
VIDYARANYA MARG  
UDUPI-576 101  
REPRESENTED BY ITS CHAIRMAN  
DR.M.VISHWANATH SHANBHAG.
26. VYDEHI INSTITUTE OF MEDICAL SCIENCES  
AND RESEARCH CENTRE,  
ON BEHALF OF VYDEHI INSTITUTE OF NURSING SCIENCES  
NO.82, NALLUNHALLI  
NEAR BMTc 8TH DEPOT  
WHITE FIELD  
BANGALORE-560 066  
REPRESENTED BY ITS DIRECTOR  
SMT.KALAPPA D.A.
27. SOUTH EAST ASIAN EDUCATIONAL TRUST (R)  
ON BEHALF OF SOUTH EAST ASIAN



COLLEGE OF NURSING,  
EKTA NAGAR, BASAVANAPURA,  
VIRGONAGAR, BANGALORE-560 067  
REPRESENTED BY ITS CHAIRMAN  
SMT.MANJULA.

28. LAXMI MEMORIAL EDUCATIONAL TRUST ®  
ON BEHALF OF LAXMI MEMORIAL SCHOOL  
AND COLLEGE OF NURSING,  
UPPER BENDOOOR 2ND CROSS RD. BENDOOOR,  
MANGALURU-575 002  
REPRESENTED BY ITS VICE PRESIDENT  
MR.PRASHANTH SHETTY.
29. UNITY CARE & HEALTH SERVICES PVT. LTD.  
ON BEHALF OF UNITY COLLEGE OF NURSING  
SHEDIGURI, DAMBEL ROAD,  
ASHOKNAGAR,  
MANGALORE-575 006  
REPRESENTED BY ITS CHAIRMAN &  
MANAGING DIRECTOR,  
DR.HABEEB KHAN
30. RATHNA EDUCATIONAL TRUST (R)  
ON BEHALF OF RATHNA COLLEGE & SCHOOL OF NURSING  
RACHANA NILAYA, 5<sup>TH</sup> CROSS,  
SHANKAR MUTT ROAD,  
HASSAN-573 201  
REPRESENTED BY ITS PRESIDENT,  
SMT.B.N.RATHNAMMA ... PETITIONERS

(BY SRI.UDAYA HOLLA, SR. COUNSEL FOR  
MS.MAYA HOLLA, ADV.)

AND

1. STATE OF KARNATAKA  
BY ITS PRINCIPAL SECRETARY,  
DEPARTMENT OF HEALTH & FAMILY WELFARE (MEDICAL





EDUCATION)

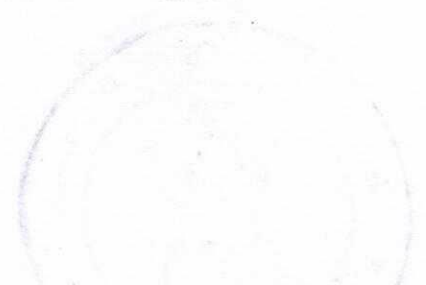
VIDHANA SOUDHA, DR AMBEDKAR VEEDHI,  
BENGALURU-560 001.

2. INDIAN NURSING COUNCIL  
NEW KOTLA ROAD, TEMPLE LANE,  
NEW DELHI-110002  
REPRESENTED BY ITS SECRETARY.
3. KARNATAKA STATE NURSING COUNCIL  
NO.17, A STREET, 6TH CROSS,  
GANDHINAGAR,  
BANGALORE-560 009  
REPRESENTED BY ITS REGISTRAR.
4. RAJIV GANDHI UNIVERSITY FOR  
HEALTH SCIENCES,  
4TH T BLOCK, JAYANAGAR,  
BANGALORE-560 011  
REPRESENTED BY ITS REGISTRAR.

... RESPONDENTS

(BY SRI.A.S.PONNANNA, AAG A/W  
SRI.R.B.SATYANARAYANA SINGH, AGA FOR R1  
SRI.SHIVARUDRA, ADV. FOR R2;  
SMT.SUMANA BALIGA, ADV.FOR R3;  
SRI.N.K.RAMESH, ADV. FOR R4)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH  
THE COMMUNICATION DATED 14.12.2016 ISSUED BY R-1 AT  
ANNEX-F; QUASH THE COMMUNICATION DATED 17.5.2017  
ISSUED BY R-1 REITERATING THE LETTER DATED 14.12.2016  
AT ANNEX-J AND ETC.,.

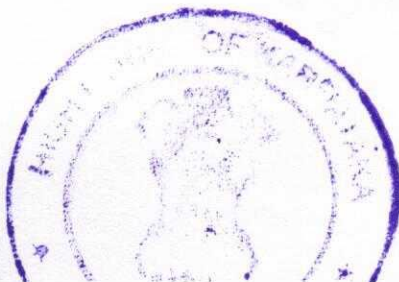


THESE PETITIONS COMING ON FOR PRONOUNCEMENT OF ORDERS TODAY HAVING RESERVED ON 05.07.2017 AND 06.07.2017, THE COURT MADE THE FOLLOWING:

**ORDER**

Writ Petitions No.25355-357/2017 (EDN) are filed by the petitioners seeking the following reliefs:

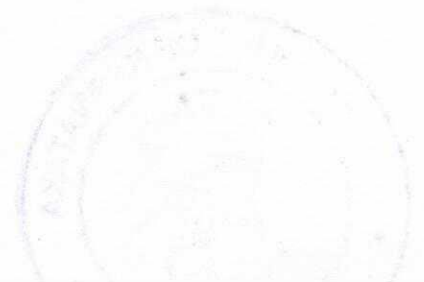
- (i) Declare that the Indian Nursing Council, Respondent No.2 herein, have no authority to grant recognition to the Institutions imparting Nursing course such as Auxiliary Nurse and Midwife Course (ANM), General Nursing and Midwife (GNM), Bachelor of Nursing (Bsc) and Master of Nursing (M.Sc.,)
- (ii) Consequently restrain Indian Nursing Council, Respondent No.2 herein, from publishing on its website, materials indicating that the institutions imparting Nursing course have to obtain recognition from Respondent No.2.
- (iii) Further issue a writ of Mandamus directing the Indian Nursing Council, Respondent No.2 herein to remove forthwith, all such materials from their website, including the materials detailed in Annexure-A, which indicate that the institutions



imparting Nursing courses have to obtain recognition from Respondent No.2.

2. The facts of the case to be stated in brief are that petitioner No.1 is a registered body comprising of the Managements of the Nursing and allied Health Science institutions and is espousing the cause of all the Nursing Institutions. Petitioners 2 & 3 are members of the petitioner No.1 being Nursing Colleges.

3. The respondent No.2 passed resolutions and published public notices and other materials in their web site, regarding renewal, recognition of the institutions imparting Nursing Course, allotment of seats for admission to Nursing course, informing the general public that the institutions imparting Nursing courses have to obtain recognition from them and they have control over allotment of seats, which is contrary to law and without any source of power. The students who intend to enroll for Nursing courses, visit the website of the Indian Nursing Council and after noticing the publications of the 2<sup>nd</sup> respondent infer that the institutions imparting Nursing course should obtain



recognition from them. The Indian Nursing Council has also published in their website, the list of Nursing colleges purported to be recognized by them. They have also published public Notice that the institutions imparting Nursing courses should obtain Renewal/validity. It is stated, Section 10 of the Indian Nursing Council Act deals with recognition of qualifications and not recognition of any institution and a Nursing college started after obtaining the requisite permission from the concerned government and the recognition is from the State Council and affiliation will be from the university within whose jurisdiction the college is situate. Such a recognition and affiliation the petitioners 2 & 3 have obtained from respondents 3 & 4.

4. The petitioners have stated that the Hon'ble Apex Court in SLP (Civil) 9/2014 dated 2.5.2014 has held that the Indian Nursing Council has no authority to grant recognition, the Government of Karnataka has by a communication dated 17.5.2017 addressed to the respondents 3 & 4, clarified that the respondents 3 & 4 have to look into the matter of allotment of seats for admission to Nursing courses. The grant of recognition



of qualifications and prescription of syllabus are to be regulated by the Indian Nursing Council while in so far as grant of recognition and approval of colleges, imparting training and education for nursing are concerned, in terms of the judgment of this Court in UOI vs., KMJ of Nursing reported in 2005 AIR HCR 1568 and the full bench judgment of the High Court of Kerala reported in 2010 SCC Online KER 1236, will be regulated by the state enactments and the state authorities.

5. I have heard the learned counsel for the petitioners, learned Additional Advocate General, learned counsel for R2 to R4 and perused the writ papers.

6. The only question that arises for consideration is, whether the Respondent No.2 Indian Nursing Council has authority to grant recognition to the institutions imparting Nursing Courses and thereby publish on its website, materials indicating that the institutions imparting Nursing courses have to obtain recognition? My answer would be in the negative for the following reasons.



7. The power and functions of Indian Nursing Council are enumerated in Section 10 of the Indian Nursing Council Act, 1947, hereinafter referred to as 'the Act' for short, which reads as follows:

- (1) For the purposes of this Act, the qualifications included in Part I of the Schedule shall be recognized qualifications, and the qualifications included in Part II of the Schedule shall be recognised higher qualifications.
- (2) Any authority within the States which, being recognized by the State Government (in consultation with the State Council, if any )for the purpose of granting any qualification, grants a qualification in general nursing, midwifery, (auxiliary nursing midwifery), health visiting or public health nursing, not included in the Schedule may apply to the Council to have such qualification recognized, and the Council may declare that such qualification, or such qualification only when granted after a specified date, shall be a recognized qualification for the purposes of this Act.
- (3) The Council may enter into negotiations with any authority (in any (territory of India to which this Act does not extend) or foreign country) which by the law of (such territory) or country is entrusted with the maintenance of a register of nurses, midwives or health visitors, for the settling of a scheme of reciprocity for the recognition of qualifications, and in pursuance of any such scheme the Council may declare that a qualification granted by any authority in any (such territory) or country, or such qualification only when granted after a specified date, shall be a recognized qualification for the purposes of this Act:

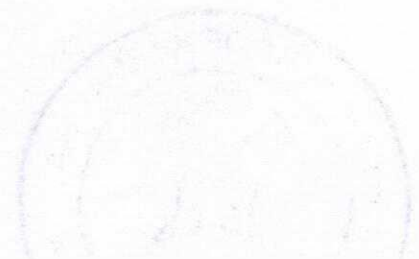


Provided that no declaration shall be made under this sub-section in respect of any qualification unless by the law and practice of the foreign country in which the qualification is granted persons domiciled or originating in India and holding qualifications recognized under this Act are permitted to enter and practice the nursing profession in that country

Provided further that-

- (i) any reciprocal arrangements subsisting at the date of the commencement of this Act between a State Council and any authority outside India for the recognition of qualifications shall, unless the Council decides otherwise, continue in force, and
- (ii) any qualification granted by an authority in a territory of India to which this Act did not extend at the date of its commencement, and recognized on the said date by the State Council of a State to which this Act then extended, shall continue to be a recognized qualification for the purpose of registration in that State.

(4) The provisions of sub-sections (2) and (3) and of sections 14 and 15 shall apply mutatis mutandis to the declaration by the Council of a qualification granted in respect of post-certificate nursing training as a recognised higher qualification."



8. Section 11 of the Act deals with effect of recognition of such qualification, Section 12 deals with power to require information as to courses of study and training and examination, Section 13 deals with inspections, Section 14 deals with withdrawal of recognition of qualification etc., and Section 15 deals with mode of declarations, which reads as follows:

"15. Mode of declarations.

- (1) All declarations under section 10 or section 14 shall be made by resolution passed at a meeting of the Council called for the declarations purpose, and shall forthwith be published in the official Gazette.
- (2) The Central Government shall, from time to time, by notification in the Official Gazette, amend the Schedule so as to bring it into accord with any declaration under section 10 or section 14.

9. Therefore, the Indian Nursing Council is empowered to prescribe qualification and syllabus for the courses and not to accord recognition to the colleges to impart education in nursing courses. In this regard, it is necessary to refer to the following decisions, which are on the subject matter.

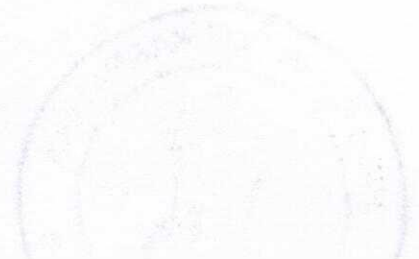
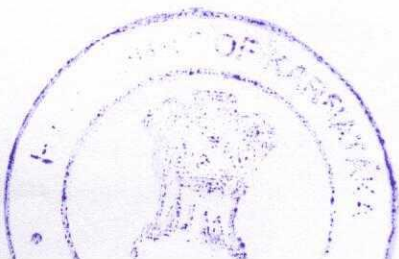




10. The Hon'ble Apex Court in S L P © No.9/2014 (Nutan Kumari & another vs., State of Bihar & others has held in Para 3 as follows: ;

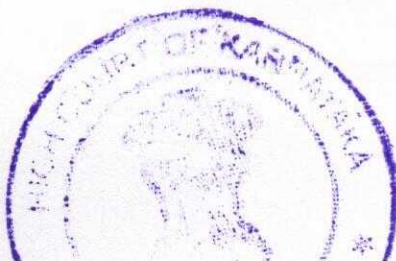
"3. Once it is the accepted position that it is the State Government that has the power to grant recognition and that Indian Nursing Council has no authority to grant such recognition insofar as Auxiliary Nurse and Midwife Course (ANM Course) is concerned, the view taken by the Single Judge in quashing the letter dated 9.1.2012 was proper and there was no justification for the Division Bench to interfere with that part of the order. As a matter of fact, the above position is established by the judgment of Patna High Court in Raj A.N.M. School, Muzaffarpur vs., The State of Bihar & others 1993(2) P.L.J.R 479".

11. In 2005 AIR – Kant. H.C.R. 1568 (Union of India & another v. KMJ College of Nursing (Trust) Bangalore and others, the question involved was whether the College was required to obtain recognition from the Nursing Council of India for establishing a Nursing College and continue to impart training in



nursing. The Hon'ble Supreme Court has held in Para-7 as follows:

"7....It is not possible to take the view that an institution established in the State for the purpose of imparting training to nurses, auxiliary-nurse-midwife, health visitors etc., are required to obtain recognition before establishing such an institution from the Nursing Council of India. No doubt, the word 'authority' is not defined under the Act. The authority referred to in sub-section (2) of Section 10 of the Act, in our view, cannot be treated as or equated to a college or an institution which has been established for the purpose of imparting training in nursing, midwifery etc., The Authority referred to in sub-section (2) of Section 10 of the Act appears to us should be understood to mean as several authorities referred to in Pasra-I and Part-II of the Schedule given to the Act which are conferred with the power of issuing certificates, diplomas or degrees in nursing. .... Therefore, once it is held that sub-section (2) of Section 10 has no application and the authority referred to in sub-section (2) of Section 10 is not the college or the institution, we find it difficult to accept the submission of the learned counsel for the appellant that the institution established after



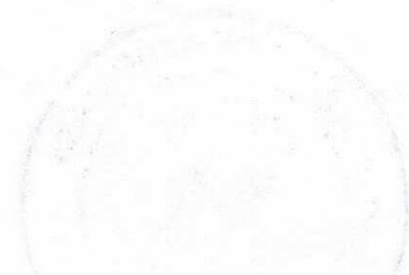
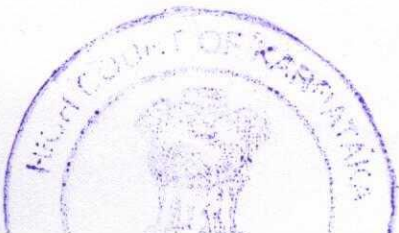
obtaining the necessary recognition from the authorities within the State who are entrusted with the responsibility of granting such recognition should also obtain recognition from the Nursing Council of India..."

12. This court had an occasion to consider similar question in W P Nos.27064-27068/2000 (EDN-AD). By the order dated 11.11.2002. In para-10 of the order, this Court has held as follows:

"10. ....When in law there is no obligation cast upon the petitioner to obtain any recognition from the second respondent and when the law does not provide for recognition by the second respondent, the insistence of the said condition by the University is without any basis and it is arbitrary and, therefore, the impugned letter where the University has insisted the petitioner college to obtain the recognition from the University is liable to be quashed..."

13. The above order is confirmed in W A No.2033/2004 (EDN) by the judgment dated 13.04.2005.

14. Therefore, suffice it to say that the Indian Nursing Council, the 2<sup>nd</sup> respondent, herein, has to exercise its power

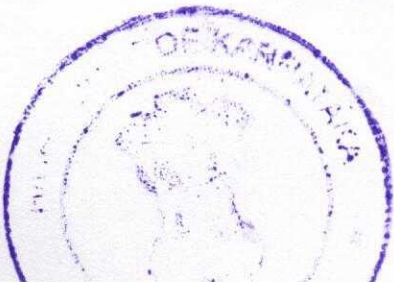


with reference to provisions enumerated in the Act. The action of the respondent No.2 claiming that colleges have to obtain recognition from it, publishing the list of recognized colleges and releasing any such material on its website would cause hardship to the petitioners and such other Nursing Colleges as the students who visit such website would infer that the colleges which are not there in the list are not recognized and that it is required to obtain recognition from the 2<sup>nd</sup> respondent. The action of the respondent No.2 is against to the law declared by this Court and also the Hon'ble Apex Court as is referred to above.

15. The learned A G A has referred to the following decisions:

(a) 2010 SCC Online Ker 1236: (2010) 3 KLT 367 (FB) (K Velayudhan Memorial Trust v. State of Kerala & others) Para-16 therein with regard withdrawal of recognition by the State Council. Since the said question is not involved in the present cases, the said decision has no application.

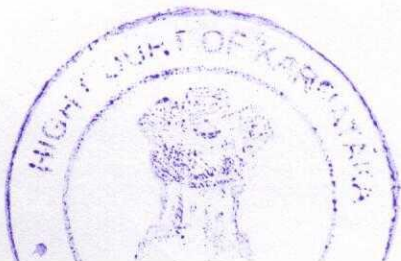
(b) 1998 SCC OnLine Raj 99 : AIR 1999 Raj 158: (1998) 2 RLR 243 (Suresh Yadav & others vs., The Registrar, Rajasthan



Nursing Council & others) Para-9 therein. The said matter related to entry of names in the register fraudulently or incorrectly, which is not the case in the present case.

16. In the circumstances, I am of the clear view that the petitions (W P Nos.25355-57/2017) are entitled to succeed. In the result, these petitions (W P Nos.25355-57/2017) are allowed. It is declared that the Indian Nursing Council, Respondent No.2 herein, has no authority to grant recognition to the Institutions imparting Nursing courses. The respondent No.2 is further restrained from publishing on its website, materials indicating that the institutions imparting Nursing courses have to obtain recognition from Respondent No.2 and all such materials from which it could infer recognition is to be obtained from Indian Nursing Council stand withdrawn from its website forthwith. W P Nos.28383-28385/2017 which is also for the similar relief is accordingly disposed of. Rule issued and made absolute accordingly.

17. W P No.28705/2017 (EDN), W P Nos.26625-26627/2017 (EDN), W P Nos.28378-28382/2017 (EDN-RES)



and W P Nos.27478-507/2017 (EDN), where the relief sought for is to direct the 2<sup>nd</sup> respondent to grant recognition to the Nursing Institutions, is against the view taken in the above writ petitions, such a relief cannot be granted. These writ petitions are accordingly rejected.

Sd/-  
JUDGE

akd



TRUE COPY  
*[Signature]*  
Section Officer  
High Court of Karnataka  
Bengaluru-560 001  
26.7.17

- a) The date on which the application was made ..... 24/7/17
- b) The date on which charges and additional Charges if any, are called for .....
- c) The date on which charges and additional Charges, if any are deposited/Paid .....
- d) The date on which the copy is ready ..... 26/7/17
- e) The date of delivery and the copy is ready for delivery ..... 26/7/17
- f) The date on which the applicant is required to appear on or before ..... 31/7/17
- g) The date on which the copy is delivered to the Applicant ..... 26/7/17
- h) Examined by .....