

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.12759-12761 OF 2017

(Arising out of SLP(Civil) Nos.23346-23348 of 2017)

THE KARNATAKA STATE ASSOCIATION OF .. APPELLANT(S)
THE MANAGEMENT OF NURSING AND ALLIED
HEALTH SCIENCE INSTITUTIONS & ORS.

Versus

INDIAN NURSING COUNCIL & ORS. .. RESPONDENT(S)

O R D E R

1. Leave granted.
2. The learned Single Judge allowed the writ appeal in the following terms:

"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No.2 and all such materials from which it could infer recognition is to be obtained from Indian Nursing Council stand withdrawn from its website forthwith.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."

3. Against the aforesaid Single Judge's judgment a writ appeal was preferred to the Division Bench of the Karnataka High Court

which admitted the appeal and stayed the second part of the learned Single Judge's order.

4. We are of the view that the two parts of the learned Single Judge's order are inextricably inter connected. Once it is declared that the Indian Nursing Council, Respondent No.2 has no authority to grant recognition to the Institutions imparting Nursing Course it must follow that the Respondent No.2 is, therefore, restrained from publishing on its website, the material that are indicated. We are, therefore, of the view that the interim order passed by the Division Bench must be set aside and the order of the learned Single Judge restored.

5. The appeals are allowed in the aforesaid terms.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI,
SEPTEMBER 11, 2017.

ITEM NO.43

COURT NO.10

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

Petitions for Special Leave to Appeal (C) No(s). 23346-23348/2017

(Arising out of impugned final judgment and order dated 21-08-2017 in IA.NO.1/2017 in WA No. 4830/2017 and WA.Nos.4832-4822/2017 passed by the High Court of Karnataka at Bangaluru)

THE KARNATAKA STATE ASSOCIATION OF THE MANAGEMENT OF NURSING AND ALLIED HEALTH SCIENCE INSTITUTIONS & ORS. Petitioner(s)

VERSUS

INDIAN NURSING COUNCIL & ORS.

Respondent(s)

Date : 11-09-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Shyam Divan, Sr.Adv.
Mr. H.N. Nagmohan Das, Sr.Adv.
Mr. S.G. Devasa, Adv.
Mr. Manish Tiwari, Adv, .for
M/s. Devasa & Co., AOR

For Respondent(s) Mr. Soli J. Sorabjee, Sr.Adv.
Mr. V.S.R. Krishna, Adv.
Mr. T. Mahipal, AOR

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

Leave granted.

The appeals are allowed in terms of the signed order

(USHA RANI BHARDWAJ)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

Signed order is placed on the file.