

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 958 OF 2019
(ARISING OUT OF SLP (C) NO. 32603 OF 2017)

PRIVATE NURSING SCHOOLS AND COLLEGES MANAGEMENT
ASSOCIATION

... Appellant(s)

Versus

THE INDIAN NURSING COUNCIL & ORS.

... Respondent(s)

O R D E R

1) Leave granted.

2) The appellants before us has raised a limited grievance against the judgment dated 09.10.2017 passed by the Aurangabad Bench of the High Court of Bombay. According to them, once they have secured recognition/permission for their Diploma or Degree courses from the State Authorities, as outlined in the impugned judgment, the candidates securing such Diplomas or Degrees shall be entitled to practice only within the aforesaid State and not outside.

3) We have heard learned counsel for the parties.

4) Learned counsel appearing for Respondent No. 1 as well as Ms. Vibha Datta Makhija, learned senior counsel for the added respondent, have pointed out Section 10 of the Indian Nursing Council Act, 1947 and, in particular, sub-Section 4 thereof, which reads as follows:-

"10. Recognition of qualifications.

(1) x x x

(2) x x x

(3) x x x

(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."

5) After referring to Sections 11, 12 and 13, they then referred to Section 14 which deals with withdrawal of recognition and, in particular, sub-Sections 1 and 4 which reads as follows:-

"14. Withdrawal of recognition.

(1) When upon report by the Executive Committee, it appears to the Council-

(a) that the courses of study and training and the examinations to be gone through in order to obtain a recognized qualification from any authority in any State, or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

(b) that an institution recognized by a State Council for the training of nurses, midwives, auxiliary nurse-midwives or health visitors does not satisfy the requirements of the Council, the Council may send to the Government of the State in which the authority or institution, as the case may be, is situated a statement to such effect, and the State Government shall forward it, along with such remarks as it may think fit to the authority or institution concerned and, in case referred to in clause (b) to the State Council also, with an intimation of the period within which the authority or institution may submit its explanation to the State Government.

(2) x x x

(3) x x x

(4) The Council may declare that any recognized qualification granted outside the States shall be a recognised qualification only if granted before a specified date."

6) We may indicate that Section 14 deals with withdrawal of recognition which is a stage which has not yet been reached on the facts of this case. We, therefore, declare that consistent with their fundamental right under Article 19(1)(g) of the Constitution of India, to practice their occupation throughout the territory of India, legislation in the form of the Nursing Council Act of 1947 has not restricted nor does it purport to restrict their practice of nursing once a Degree or Diploma is granted by the State Authority to that State only.

7) We are, therefore, of the view that this portion of the impugned judgment cannot stand and is accordingly set aside.

8) The appeal is allowed to the aforesaid extent only.

9) Pending applications, if any, stand disposed of accordingly.

.....J.
(ROHINTON F. NARIMAN)

.....J.
(NAVIN SINHA)

New Delhi,
Dated: January 22, 2019.

ITEM NO.15

COURT NO.6

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 32603/2017

(Arising out of impugned final judgment and order dated 09-10-2017 in WP No. 11260/2017 passed by the High Court Of Judicature At Bombay At Aurangabad)

**PRIVATE NURSING SCHOOLS AND COLLEGES
MANAGEMENT ASSOCIATION**

Petitioner(s)

VERSUS

THE INDIAN NURSING COUNCIL & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.13324/2018-VACATING STAY.....
IA NO. 50539/2018-CLARIFICATION/DIRECTION)

Date : 22-01-2019 This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA**

For Petitioner(s) Mr. Venkataramani, Sr.Adv.
Mr. Shekhar G. Devasa, Adv.
Mr. Manish Tiwari, Adv.
Mr. Luv Kumar, Adv.
Mr. M. Praveen Vignesh, Adv.
For M/s. Devasa & Co., AOR

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Ajit Kumar Sinha, Sr.Adv.
Ms. Swati Ghildiyal, Adv.
Ms. Seema Bengani, Adv.
Ms. Khushboo Kapur, Adv.
Mr. Anas Zaidi, Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Vibha Datta Makhija, Sr. Adv.

Dr. Anindita Pujari, AOR
Ms. Aarti Kumar, Adv.

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
M. Rao, Adv.
Mr. Suraj Kaushik, Adv.
M/s Nuli & Nuli, AOR

Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

Ms. Bina Madhavan, Adv.
Ms. Swati Bhardwaj, Adv.
M/s. Lawyer S Knit & Co, AOR

Mr. Sriram P., AOR
Mr. Sarath S. Janardanan, Adv.

Mr. Shirish K. Deshpande, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Mohit Gautam, Adv.

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

Leave granted.

The civil appeal is allowed to the limited extent only in
terms of the signed order.

Pending applications, if any, stand disposed of.

(MANAV SHARMA)
COURT MASTER (SH)

(KAILASH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file.)