

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

WP No. 31627 of 2024

*(SHRI RAVINDRA PARMAR (RAVI) Vs THE STATE OF MADHYA PRADESH AND OTHERS )*

**Dated : 16-10-2024**

Shri Abhishek Pandey - Advocate for Petitioner.

Shri Rahul Diwaker - Advocate and Shri Shubham Rai - Advocate for  
Respondent No.2 and 3.

Shri Sandeep Shukla - Advocate for Respondent No.4.

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By this petition, petitioner impugns condition No.5.1 of the rules for admission for the post of Post Basic B.Sc. Nursing (2 Years) and M.Sc. Nursing Course (2 Years) whereby, it is mandated that any candidate against whom any criminal proceeding is pending in a Court of law or who has been convicted, shall be disqualified from undertaking the course.

As per the petitioner, such a condition could not have been imposed as petitioner is merely seeking further education and is not seeking employment. He submits that petitioner is a student leader and there are about four FIRs registered against him one under Sections 147, 336 and 188 of IPC second under Sections 341 and 143 read with Section 34 of IPC third under Section 186 read with Section 34 of IPC and fourth under Sections 353, 451, 294 and 149 of IPC read with Section 3 of Madhya Pradesh Sampatti Virupan Nivaran Adhiniyam, 1994. He submits that none of the sections allegedly breached by the petitioner involve any moral turpitude and further more, the proceedings are merely pending and petitioner has not yet been convicted and as such a condition runs counter to the very cardinal

principal of criminal jurisprudence of rehabilitation.

Learned counsel for the petitioner submits that the examination is scheduled to be held on 26.10.2024.

Learned counsel for the respondents contends that such a provision was incorporated to ensure that the person only with clean antecedents come up and take the courses as the courses would entitle them to secure employment in future. He prays for time to file counter-affidavit.

Let the same be filed within two weeks.

We note that the petitioner in the instant case is a student and is not involved in any case pertaining to moral turpitude and is only seeking to undertake further study in M.Sc. Nursing Course.

As per the petitioner, form was to be filled online and there was declaration to be made as to the involvement of a candidate in a criminal case and the moment, the option was checked as 'Yes' the candidate could not fill up the form. Accordingly, the petitioner was unable to fill up the form. Learned counsel states that petitioner did not want to conceal his involvement in the subject FIRs.

We may note that the cardinal principal of criminal jurisprudence his reformation which would entail being a inclusive society and giving an opportunity to individuals to improve their life, standard and behavior.

Keeping in view the fact that the petitioner could not fill up the form. We direct the respondents to accept the physical form from the petitioner. The filling up of the form and acceptance thereof shall be without prejudice to the rights and contentions of the parties and in case the petitioner is

otherwise qualified, he would be permitted to take part in the ensuing examination.

It is further clarified that taking of the examination by the petitioner shall be subject to further orders to be passed in these proceedings.

List for consideration on 07.11.2024.

C.C. as per rules.

**(SANJEEV SACHDEVA)**  
**JUDGE**

**(VINAY SARAF)**  
**JUDGE**

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