



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

&

HON'BLE SHRI JUSTICE ACHAL KUMAR PALIWAL

ON THE 14<sup>th</sup> OF NOVEMBER, 2024

WRIT PETITION No. 32982 of 2024

*JABALPUR INSTITUTE OF NURSING SCIENCES AND RESEARCH  
AND OTHERS*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Arpan Pawar, Advocate for the petitioners.*

*Shri Prashant Singh - Advocate General with Shri Bharat Singh - Additional  
Advocate General and Shri Abhijeet Awasthi - Deputy Advocate General for the  
respondent-State/MPNRC.*

*Shri Mohan Sausarkar - Advocate for the Indian Nursing Council.*

*Shri Sudhir Kumar Sharma - Advocate for the CBI.*

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ORDER

*Per. Justice Sanjay Dwivedi*

By the instant petition, the petitioners have raised grievance that while submitting online form for seeking recognition, respondent No.2 is not accepting the form for the reason that there is a pre-condition that the colleges seeking recognition must have their independent hospital having atleast 100 beds. It is submitted that there is no such provision describing this requirement and even since long, recognition is being granted to the colleges having affiliation with Government hospital and also independent hospital



having capacity of 100 beds or more than that. But this condition according to them cannot be complied with within no time and it is accordingly arbitrary and illegal. It is submitted that for the session 2024-25 this condition cannot be imposed and if the respondents herein really want to introduce any such condition, some reasonable time may be granted to the petitioners so as to establish their own hospital with the requisite capacity of beds.

On the other hand, learned counsel for respondent No.2 submits that a committee constituted by this Court vide its report dated 7.11.2024 has also proposed that a college seeking recognition should have its own independent college, because the provisions i.e. Madhya Pradesh Nursing Institutions Recognition Rules, 2018 (for brevity "**Rules, 2018**") prescribe such a requirement.

We have perused the respective provisions i.e. Rule 4(iii) of the Rules, 2018 and as per the said provisions, Schedule-III prescribes the requirement of affiliation of hospital and according to it, the affiliation with a Government hospital and private hospital with a requisite capacity shown in the said schedule i.e. Schedule-III should be there.

Learned counsel for the petitioners has submitted that they fulfilled the said requirement of the existing rule and therefore apart from this, any new condition compelling them to have their own independent hospital cannot be imposed and on that basis they cannot be denied recognition for the Session 2024-25.

We find substance in the submission made by the learned counsel for



the petitioners. The matter is pending before this Court and as per the order of the Court, the CBI had also conducted inspection of the colleges so as to categorize them and all inspections got done taking note of the existing rules, therefore we do not want to create further complication and to allow the respondents to impose any new condition upon the petitioners-colleges so as to get recognition and other formalities. We are of the opinion that the Session 2024-25 should be continued with the existing procedures and provisions and we cannot allow the respondents to refuse any recognition on the basis of any new condition imposing any additional requirement.

Accordingly, the present petition stands disposed of directing the respondents to consider the request of recognition of the petitioners on the basis of existing requirement and taking note of the fact that on earlier occasion they have been granted recognition with their affiliation of the Government hospital or some private hospital fulfilling the requisite requirement as has been shown in Schedule-III of the Rules, 2018.

Considering the submissions made by the learned counsel for the parties and also taking note of the existing circumstances, it is apprised that respondent No.2 will open the portal so as to make the petitioners' colleges and other colleges enable to move their applications for recognition for the period of three days and this intimation will be available in the website so that every college shall fulfil the formalities within the given period.

Respondent No.2-Indian Nursing College has already issued an order on 29.10.2024 extending the date till 31.12.2024, but in the facts and circumstances of the case, it is directed that the said date may be extended



upto 15.1.2025 so as to give sufficient time to the respondent No.2 to complete the requisite formalities. It is made clear that no further time shall be granted and entire exercise has to be concluded within the said period.

Needless to say, if the committee after removing the requisite deficiencies by the deficient college, still does not place those colleges in the list of suited college saying that the requirement of independent hospital is still unfulfilled although they are otherwise fit and having affiliation with the hospitals of required capacity, in that event if such colleges have no independent colleges of their own, the said observation of the committee will not come in the way of the colleges for taking recognition from the respondent No.2.

Accordingly petition stands disposed of.

(SANJAY DWIVEDI)  
JUDGE

(ACHAL KUMAR PALIWAL)  
JUDGE

Ansari