

IN THE HIGH COURT OF KARNATAKA AT BANGALORE**DATED THIS THE 28TH DAY OF NOVEMBER 2014****BEFORE****THE HON'BLE MR. JUSTICE A.S.BOPANNA****W.P.Nos.44753-44754/2014 (EDN-AD)****Between:**

1. The Principal,
Sri ChaneGowda College of Nursing,
NH 4 Bypass,
Kogilahalli,
Kolar – 563 101.
2. Neethumol Sebastian,
Daughter of Sebastian,
Aged about 24 years,
Student, studying in
1st year BSc. (Nursing Course) in
Sri ChaneGowda College of Nursing,
NH 4 Bypass,
Kogilahalli,
Kolar – 563 101.

...Petitioners

(By Sri. Deepak .J, Adv.)

And:

1. Government of Karnataka,
Represented by its Secretary,
Health and Family Welfare Department,
(Medical Education),
Vidhana Soudha
Bangalore – 560 001.
2. The Registrar,
Rajiv Gandhi University of
Health Sciences, Karnataka,
4th 'T' Block, Jayanagar,
Bangalore – 560 041.

...Respondents

(By Smt. Pramodhini Kishan, HCGP, for R-1
Sri. N.K.Ramesh, Adv. for R-2)

These Writ Petitions filed under Articles 226 and 227 of the Constitution of India praying to direct the R-1 to approve the admission of the petitioner students 2 for the Academic year 2013-14 for 1st year B.Sc Nursing Course.

These Writ Petitions coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:

ORDER

Learned Government Advocate to accept notice for respondent No.1. Sri N.K. Ramesh, learned counsel to accept notice for respondent No.2. They are permitted to file their vakalath/memo of appearance within four weeks.

2. The petitioners are before this Court seeking for issue of mandamus to the respondents to approve the admission of the second petitioner for B.Sc. Nursing Course. The petitioners are also seeking that the second petitioner be permitted to appear for the first year examination of B.Sc. Nursing Course.

3. The first petitioner is the Institution wherein the second petitioner is stated to have secured admission for the B.Sc. Nursing Course. The pleading would indicate that according to the petitioners, the admission had been made well within the date prior to which the admission was to be made as per the relevant Notification. The petitioners would however contend that the details pertaining to the second petitioner could not be uploaded by the first petitioner due to certain technical difficulties. It is in that view, the petitioners are before this Court seeking for a direction that the admission of the second petitioner be approved by the second respondent.

4. Insofar as the issue relating to the admission in cases where the particulars had not been furnished by the respective Colleges within time had been considered by this Court in several cases and more particularly, in W.P.Nos.38003-

38009/2014 dated 06.08.2014 wherein a direction had been issued to the respondent-University to approve the admission, subject to the College concerned paying penalty of Rs.2,000/- in respect of each student and the students meeting the eligible criteria. A similar consideration, no doubt, requires to be made in the instant case also. However, the learned counsel appearing for the second respondent would point out that in the instant case, though the first petitioner College contends that the name of the student which has been indicated in the petition had not been uploaded, in respect of the other students such uploading has already been made and therefore, this aspect of the matter requires to be kept in view.

5. Though that be the position, all that is necessary to be ascertained by the second respondent is as to whether the admission of the student concerned in this petition was made prior

to the last date provided under the Notification. Hence, on that aspect, the College concerned would have to produce material before the second respondent to indicate that the student concerned had been admitted prior to the last date stipulated and all the formalities had been completed by the College concerned. The other eligibility criteria of the student shall also be established.

6. On the said documents being produced by the College, the second respondent shall accept, verify the same and approve the admission, subject to payment of Rs.2,000/- in respect of the student concerned. If on the other hand, there is any legal impediment, the same shall be specified and appropriate endorsement be issued to the Institution/student.

7. Since it is submitted that a Committee for the said purpose has been formed by the second

respondent, the particulars be placed before the Committee and appropriate decision be taken. Considering the fact that the examination is fast approaching and in order to protect the interest of the students and at the same time to ensure that the respondent-University is also satisfied with regard to the admission being made prior to the last date and the student meeting the eligibility criteria, the respondent-University is to be directed to permit the student concerned to appear for the ensuing examination, subject to verification of the documents. Necessary fee in that regard shall be collected and the admission ticket is also to be issued.

8. In the meanwhile, the college concerned shall submit the documents to the University. On verification of the documents, if the respondent-University is satisfied that the admission is made as per the procedure and the student concerned also

meeting the eligibility criteria, the University will thereafter declare the result of the student and also regularize the admission so as to enable the student concerned to complete the course.

9. In the result, the following :

ORDER

- i) The concerned college shall submit all records relating to the student concerned to the respondent-University to establish that the admission has been made as per the procedure and the student also meeting the eligibility criteria. The University shall examine the records and come to its conclusion on this aspect of the matter.
- ii) Pending the above process, the University is directed to collect the examination fees, issue hall ticket and permit the concerned student to appear for the ensuing examinations which shall remain provisional

and the result thereof will be declared only if the University satisfies itself that the verification of the documents disclose that the admission has been made as per the procedure and the student also meeting eligibility criteria. If such satisfaction is recorded by the University, the concerned student shall be permitted to complete the course in accordance with law and all documents necessary to be issued by the University viz., marks card and such other certificates shall thereafter be issued to the student concerned.

The petitions stand disposed of accordingly.

**Sd/-
JUDGE**

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