

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 4815 of 2021

Date of decision : 26.2.2021

Shiv Shakti College of Nursing Petitioner
versus	
State of Punjab and others	... Respondents

Coram: **Hon'ble Mr. Justice Jaswant Singh**
Hon'ble Mr. Justice Sant Parkash

Present Mr. Akshay Bansal, Advocate, for the petitioner.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Jaswant Singh, J. (Oral)

The petitioner is a self-financed Nursing College situated in Bhikhi, District Mansa, Punjab.

By filing the instant writ petition, the prayer is for issuance of a Mandamus directing the respondents to permit the intake of enhanced admissions for the degree course of B.Sc. Nursing (Basic) from 40 to 60 seats and B.Sc. (Post Basic) from 20 to 40 seats for the Academic Session 2020-21 in view of no objection certificate/ permission/ temporary recognition extended by the Punjab Government and the Punjab Nurses Registration Council.

It is, however, apparent that the temporary recognition has been granted by the Punjab Nurses Registration Council, Mohali, subject to approval by the Indian Nursing Council- Respondent no. 1, as well as Baba Farid University of Health Sciences, Faridkot vide memo dated 19.2.2021 (**Annexure P-4**) has also postulated obtaining of permission/ suitability from the Indian Nursing Council *qua* the aforesaid enhanced seats.

It is the case of the petitioner that no permission or suitability is required from the Indian Nursing Council in the light of the provisions of the Indian Nursing Act, 1947.

It is a settled law that a Mandamus can only be prayed for enforcing an already established right with a corresponding duty, whereas in the present case Mandamus is being sought for establishing a right and without making the prayer for Certiorari for setting aside alleged offending Clauses of temporary recognition.

In view of the above, learned counsel for the petitioner prays for permission to withdraw the present writ petition to enable his client to file a fresh one with better particulars.

Dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

26.2.2021
vs

(Sant Parkash)
Judge

Whether speaking/ reasoned Yes/No

Whether Reportable Yes/No