

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
WP No. 1080 of 2022

(LAW STUDENTS ASSOCIATION Vs THE STATE OF MADHYA PRADESH AND OTHERS)

WP/20438/2021, WP/28337/2021, WP/28338/2021, WP/03165/2022, WP/05841/2022,  
WP/08737/2022, WP/14935/2022, WP/16851/2022, WP/27046/2022, WP/22164/2023,  
MCRC/20544/2024, RP/00339/2024, WP/08210/2024, WP/08294/2024, WP/08399/2024,  
WP/09499/2024, WP/10930/2024

**Dated : 30-05-2024**

Shri Alok Vagrecha - Advocate and Shri Vishal Baghel - Advocate and  
Shri Nikhil Bhatt - Advocate for the petitioner in W.P.No.1080/2022.

Shri Naman Nagrath - Senior Advocate with Shri Jubin Prasad -  
Advocate for the petitioner in W.P.No.22164/2023.

Ku.Neerja Agrawal - Advocate for the petitioner in W.P.Nos.8294/2024  
and 8399/2024.

Shri Prashant Singh - Advocate General and Shri Bharat Singh -  
Additional Advocate General and Shri Abhijeet Awasthi - Advocate for the  
respondents/State.

Shri Mohan Sausarkar - Advocate for the Indian Nursing Council.

Shri Sudhir Kumar Sharma - Advocate for the Central Bureau of  
Investigation.

Shri Hemant Shrivastava - Senior Advocate with Shri D.K. Billaiya -  
Advocate, Shri Prakash Upadhyay - Advocate, Shri Sankalp Kochar -  
Advocate, Shri Rahul Deshmukh - Advocate, Shri Anoop Saxena - Advocate,  
Shri Amalpush Shroti - Advocate and Shri Rakshit Gupta - Advocate for the  
interveners.

---

I.A. No.7409/2024 in W.P.No.1080/2022 - By this application, the  
applicant is seeking a relief therein that the application for intervention may be  
considered and appropriate direction be issued to the State Government to

consider the issue with regard to appointment of the Registrar in Nursing Council.

Albeit, Shri Awasthi appearing for the M.P. Nursing Counsel has although not filed any reply, but he orally objected the application saying that the person who has been appointed as Administrator in furtherance to the court order has all requisite qualification for the said post.

This application is disposed of directing the State Government to reconsider the appointment of Administrator and after examining the aspect, if it is found that he does not have requisite qualification, the State would be at liberty to appoint another person having requisite qualification. Let such decision be taken within a period of 15 days from today.

I.A.Nos.5165/2024 and 6309/2024 in W.P.No.20438/2021 and I.A.Nos.3783/2024, 4526/2024, 5626/2024, 6399/2024 in W.P.No.1080/2022 - These applications have been moved for seeking modification in the order dated 28.09.2022 passed in W.P.No.20438/2021. The operative part of the said order is reproduced as under:- सत्यमेव जयते

"13. Consequently, we hereby order the Director, CBI, Lodhi Road, New Delhi, to appoint a senior responsible officer with the team of officials, as required, to conduct a comprehensive enquiry:-

(i) In the affairs and activities of the Indian Nursing Council, M.P. Medical Science University and M.P. Nursing Council in the context of recognition granted by Indian Nursing Council up to 2017 and suitability certificates thereafter to various nursing colleges in the State of Madhya Pradesh;

(ii) In the matter of recognition granted by M.P. Nursing Council to Nursing Colleges in Madhya Pradesh, particularly to these 35 petitioners before this Court;

(iii) Affiliation and registration/enrollment granted to the students of various nursing colleges by M.P. Medical Science University, particularly to students of these 35 institutions."

Shri Nagrath submits that as per the direction issued by the court, it creates confusion in the minds of team members conducting the enquiry and inspection of the colleges in respect of the recognition granted by the Indian Nursing Council. As per the order, the recognition granted upto 2017 by the Nursing Council and their conduct has to be enquired about. But, Shri Prashant Singh appearing for the M.P. Nursing Council submits that the Council has been constituted only in the year 2018 for the purpose of recognition, meaning thereby, recognition was granted to the colleges only after 2018 by the M.P. Nursing Council.

Under such circumstances, it is required to modify the order to erase confusion and anomaly as reflects from the order. Ergo, the order is modified to the extent that the enquiry be conducted by the CBI, the agency to which direction was issued to make proper enquiry about the illegalities and irregularities committed while granting recognition by the Council and instead of 2017, the enquiry in respect of the colleges which were in existence in Session 2020-21 and granted admission to the students shall be made by the agency, even though those colleges have been closed down in the mid-session and the order dated 28.09.2022 is modified to the extent that instead of 2017 inspection and enquiry will be done for the colleges even though closed down but in existence in the year 2020-21 and thereafter. It is also clarified that during the course of inspection of closed down colleges, the Agency shall also ascertain whether such colleges had given admission to the students or not.

I.A.Nos.3783/2024, 4526/2024, 5626/2024, 6399/2024 in W.P.No.1080/2022 are accordingly disposed of.

I.A.No.3349/2024 has already been disposed of earlier, therefore, the Registry is directed to remove the number of this application from the cause list.

I.A.No.7630/2024 in W.P.No.1080/2022 - has been filed for seeking modification in the order dated 09.05.2024 wherein while dealing with I.A.No.5555/2024 the request of the counsel was confined to Session 2021-22, but in the order Session 2020-21 was wrongly mentioned. Ergo, the order dated 09.05.2024 is modified to the extent that in place of Session 2020-21, it shall be read as Session 2021-22.

With the aforesaid modification, I.A.No.7630/2024 is disposed of.

As regards I.A.Nos.5555/2024, 3512/2024 and 7221/2024 filed in W.P.No.1080/2022 - the applicants by these applications are seeking direction for M.P. Nursing Council to start giving enrollment to the students of deficient colleges also because now according to the applicants, enrollment is being done only in respect of the students of suited colleges. Albeit, this court has already directed that the students of all the colleges should be allowed to participate in the examination. In such circumstance, it is proper that even the students of deficient colleges be enrolled for the Session 2020-21. Of a note, as per learned counsel for the M.P. Nursing Council, no enrollment of the students for the Session 2021-22 has been commenced for unsuited colleges.

As per the statement of counsel appearing for the Nursing Council, the examination of Session 2020-21 is being conducted but no examination in respect of other sessions is being conducted by the Council, therefore, question

of giving enrollment to the students does not arise, especially the students of those colleges who have been given admission in deficient and unsuited colleges. If the date of examination is declared for the session 2021-22 then only the issue of granting enrollment will be considered. At this stage, enrollment only in respect of session 2020-21 shall be considered by the Council for the students of all colleges. It is further directed that it is for the Council to ensure fulfillment of requirement for enrollment by the students, and if not, the Council would be at a liberty to refuse to grant enrollment to those particular students, who do not possess the requisite qualification to be enrolled as the student of Nursing. It is clarified that for the Session 2021-22 though deadline has been given by the Council, but since examination is not conducted, therefore, period of granting enrollment for the sessions 2021-22 and 2022-23 can be extended by this court.

I.A.Nos.5555/2024, 3512/2024 and 7221/2024 filed in W.P.No.1080/2022 are accordingly disposed of.

I.A.No.7642/2024 in W.P.No.1080/2022 - has been filed for seeking appropriate direction so as to make fresh enquiry by the CBI in respect of the colleges, 169 in number, which were granted clean-chit by CBI as suited colleges, inasmuch as in view of the subsequent scenario in which some of the CBI officials have been trapped by CBI itself who were found involved in taking bribe by some of those colleges for giving favourable report. As per the petitioner, the report of CBI cannot be relied upon and therefore appropriate direction be given to the CBI for conducting fresh inspection in respect of those colleges and further seeking direction that the inspection of CBI be monitored by the court.

After mulling over the unfortunate phenomena of greasing the palms of

some of the CBI officials by some of the Colleges, essentially the earlier report of CBI has come under the clouds of suspicion and such report, in the existing situation, cannot be green-signaled. Ergo, we direct for inspection of those 169 colleges *denovo* by the CBI. Albeit, this court hopes that the CBI "once bitten twice shy" will attentively reinspect the colleges, but still we deem it apposite to induct one judicial officer in the team of CBI. Accordingly, it is directed that the team of CBI will be accompanied by the Registrar of District Court of respective district where the inspection is to be conducted, for which, the Principal District Judge of that particular district where the colleges situate, shall accord permission for making the Registrar of District Court to be a part of the team of CBI. Over and above, during the course of inspection, videography will also be done so that if needed this court can ascertain the veracity of report. Let the inspection be triggered immediately by the CBI and it be concluded within a period of three months.

Quite apart, with regard to the deficient colleges which claim to have removed the deficiencies that were pointed out by the CBI in its earlier report, such colleges need to satisfy the three-member committee constituted earlier by placing sufficient material about overcoming of deficiencies. Simultaneously, we observe that nursing education is not possible without practical education and learning. It involves a wide range of hands on skills such as administration of medicines, injections and IV lines, pre and post surgery management, assisting doctors, operating medical equipment, clinical judgment, empathy and interpersonal communication skills for compassionate care, dealing with emergencies, etc. Therefore, we direct the Committee appointed by us under the Chairmanship of Retired Justice Shri R.K. Shrivastava to examine the entire

spectrum of practical training of Nursing students from linkages for practical training with hospitals till assessment of learning. We also direct the committee to visit the nursing colleges and hospitals to assess the ground reality and submit its findings.

List these matters on 15.07.2024. To be taken up on Board at 2.30 p.m.

**(SANJAY DWIVEDI)  
JUDGE**

**(ACHAL KUMAR PALIWAL)  
JUDGE**

Sudesh

