

**PROVISIONS OF VARIOUS ACTS REGARDING IMPARTING
EDUCATION IN
PROFESSIONAL COURSES**

1. INDIAN MEDICAL COUNCIL ACT, 1956

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**10A. PERMISSION FOR ESTABLISHMENT OF NEW MEDICAL COLLEGE,
NEW COURSE OF STUDY ETC.**

1. Notwithstanding anything contained in this Act or any other law for the time being in force:-

1. no person shall establish a medical college

(or)

2. no medical college shall:-

1. open a new or higher course of study or training (including a postgraduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification; or

2. increase its admission capacity in any course of study or training (including a postgraduate course of study or training), except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

**11. RECOGNITION OF MEDICAL QUALIFICATION GRANTED BY
UNIVERSITIES OR MEDICAL INSTITUTIONS IN INDIA.**

1. The medical qualifications granted by any university or medical Institution in India which are included in the first Schedule shall be recognised medical qualifications for the purposes of this Act.

2. Any university or medical Institution in India which grants a medical qualification not included in the First Schedule may apply to the Central Govt., to have such qualification recognised, and the Central Government, after consulting the Council, may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

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2. PHARMACY ACT, 1948

10. Education Regulations:-

(1) Subject to the provisions of this section, the Central Council may, subject to the approval of the Central Government, make regulations, to be called the Education Regulations, prescribing the minimum standard of education required for qualification as a pharmacist.

(2) In particular and without prejudice to the generality of the foregoing power, the Education Regulations may prescribe-

- (a) the nature and period of study and of practical training to be undertaken before admission to an examination;
- (b) the equipment and facilities to be provided for students undergoing approved courses of study;
- (c) the subjects of examination and the standards therein to be attained;
- (d) any other conditions of admission to examinations.

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3. DENTIST ACT, 1948

10. (1) The dental qualifications, granted by any authority or institution in India, which are included in Part I of the Schedule shall be recognized dental qualifications; for the purposes of this Act. (2) Any authority or institution in India which grants a dental qualification not included in Part I of the Schedule may apply to the Central Government to have such qualification recognised and included in that Part, and the Central Government, after consulting the Council, and after such inquiry, if any, as it may think fit for the purpose, may, by notification in the Official Gazette, amend Part I of the Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in Part I of the Schedule against such dental qualification declaring that it shall be a recognized dental qualification only when granted after a specified date.

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4. INDIAN VETERINARY COUNCIL ACT 1984

15. Recognition of veterinary qualifications granted by veterinary institutions in India.—(1) The veterinary qualifications granted by any veterinary institution in India which are included in the First Schedule shall be recognised veterinary qualifications for the purposes of this Act. (2) Any veterinary institution in India which grants a veterinary qualification not included in the First Schedule may apply to the Central Government to have such qualification recognised and the Central Government, after consulting the Council, may, by notification in the Official Gazette, amend the First Schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in

the last column of the First Schedule against such veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted after a specified date.

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5. NCTE ACT, 1993

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14 **RECOGNITION OF INSTITUTIONS OFFERING COURSE OR TRAINING IN TEACHER EDUCATION**

(1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations:

Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall-

(a) if it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such conditions as may be determined by regulations; or

(b) if it is of the opinion that such institution does not fulfil the requirements laid down in sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing:

Provided that before passing an order under sub-clause (b), the Regional Committee shall provide a reasonable

opportunity to the concerned institution for making a written representation.

(4) Every order granting or refusing recognition to an institution for a course or training in teacher education under sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the State Government and the Central Government.

(5) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under clause (b) of sub-section (3).

(6) Every examining body shall, on receipt of the order under sub-section (4), -

(a) grant affiliation to the institution, where recognition has been granted; or

(b) cancel the affiliation of the institution, where recognition has been refused.

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6. HOMOEOPATHY CENTRAL COUNCIL ACT, 1973

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Permission for establishment of new medical institution, new course of study, etc.

12A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force:-

(a) no person shall establish a Homoeopathic Medical College; or

(b) no Homoeopathic Medical College shall -

(i) open a new or higher course of study or training (including post-graduate course of study or training) which would enable students of each course or training to qualify himself for the award of any recognized medical qualification; or

(ii) increase its admission capacity in any course of study or training (including the post-graduate course of study or training.),

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

13. Recognition of medical qualification granted by certain medical institutions in India

(1) The medical qualifications granted by any University, Board or other medical institution in India which are included in the Second Schedule shall be recognized medical qualifications for the purposes of this Act.

(2) Any University, Board or other medical institution in India which grants a medical qualification not included in the Second Schedule may apply to the Central Government to have any such qualification recognized, and the Central Government, after consulting the Central Council, may, by notification in the Official Gazette, amend the Second Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification only when granted after a specified date.

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**PROVISIONS OF VARIOUS ACTS REGARDING
REGISTRATION BY PROFESSIONAL BODIES**

1. INDIAN MEDICAL COUNCIL ACT, 1956

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23. REGISTRATION IN THE INDIAN MEDICAL REGISTER

The Registrar of the Council, may, on receipt of the report of registration of a person in a State Medical Register or on application made in the prescribed manner by any such person, enter his name in the Indian Medical Register, provided that the Registrar is satisfied that the person concerned possesses a recognised medical qualification.

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2. THE RAJASTHAN MEDICAL ACT, 1952.

(Act No.XIII of 1952.)

(Received the assent of the President on the 18th day of March, 1952)

An Act to provide for the registration of Medical Practitioners in Rajasthan.

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17. Persons Entitled to be Registered:-

Subject to the provisions hereinafter contained and on payment of such fees as may be prescribed in this behalf by regulations made under section 33, every person who:-

- (a) is possessed of any of the Indian medical qualifications for the time being recognized for the purpose of, and included in the First Schedule to, the Indian Medical Act, 1933, or
- (b) is possessed of any of the foreign medical qualification for the time being recognized for the purpose of, and included in the Second Schedule to, the said Act, or
- (c) being possessed of a foreign medical qualification other than those referred to in clause(b), has been recommended for registration as a special case on individual merit by the Medical Council. Of India established under section 3 of the said Act,

shall be entitled to have his name entered in the register of registered practitioners, whether or not such person practice or intends to practice:

Provided that the Council may refuse to permit the registration of the name of any persons

18. Additional qualification for registration :-

If the Council is satisfied that, in addition to the Indian medical qualifications for the time being included in the First Schedule to the Indian Medical Council Act, 1933, any title granted or qualification certified by any University, Medical College or School, Medical Corporation, examining body or other institution in India is a sufficient guarantee that persons holding such title or qualification possess the knowledge and skill requisite for the efficient practice of medicine, surgery and midwifery, it may make a report to that effect to the Government which may if it thinks fit, thereupon direct, by notification in the Rajasthan Gazette, that the holding of such title or qualification shall, subject to the provisions hereinafter contained and on payment of such fee as may be prescribed in this behalf, entitle any person to have his name entered in the register of registered practitioners.

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PHARMACY ACT, 1948

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15A. The Central Register.-

(1) The Central Council shall cause to be maintained in the prescribed manner a register of pharmacists to be known as the Central Register, which shall contain the names of all persons for the time being entered in the register for a State. (2) Each State Council shall supply to the Central Council five copies of the register for the State as soon as may be after the first day of April of each year, and the Registrar of each State Council, shall inform the Central Council, without delay, all additions to, and other amendments in, the register for the State made from time to time. (3) It shall be the duty of the Registrar of the Central Council to keep the Central Register in accordance with the orders made by the Central Council, and from time to time to revise the Central Register and publish it in the Gazette of India. (4) The Central Register shall be deemed to be public document within the meaning of the Indian Evidence Act, 1872 (1 of 1872) and may be proved by the production of a copy of the Register as published in the Gazette of India.

15B. Registration in the Central Register:-

The Registrar of the Central Council shall, on receipt of the report of registration of a person in the register for a State, enter his name in the Central Register.

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3. DENTIST ACT, 1948

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10. (1) The dental qualifications, granted by any authority or institution in India, which are included in Part I of the Schedule shall be recognized dental qualifications; for the purposes of this Act. (2) Any authority or institution in India which grants a dental qualification not included in Part I of the Schedule may apply to the Central Government to have such qualification recognised and included in that Part, and the Central Government, after consulting the Council, and after such inquiry, if any, as it may think fit for the purpose, may, by notification in the Official Gazette, amend Part I of the Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in Part I of the Schedule against such dental qualification declaring that it shall be a recognized dental qualification only when granted after a specified date.

31. (1) The 1 [State] Government shall as soon as may be cause to be prepared in the manner hereinafter provided register of dentists for the 3 [State]. (2) The 1 [State] Council shall upon its constitution assume the duty of maintaining the register in accordance with the provisions of this Act. (3) The register of dentists shall be maintained in two parts, A and B, persons possessing recognised dental qualifications being registered in Part A and persons not possessing such qualification being registered in Part B.

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5. INDIAN VETERINARY COUNCIL ACT 1984

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15. Recognition of veterinary qualifications granted by veterinary institutions in India.—

(1) The veterinary qualifications granted by any veterinary institution in India which are included in the First Schedule shall be recognised veterinary qualifications for the purposes of this Act.

(2) Any veterinary institution in India which grants a veterinary qualification not included in the First Schedule may apply to the Central Government to have such qualification recognised and the Central Government, after consulting the Council, may, by notification in the Official Gazette, amend the First Schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such veterinary qualification declaring that it shall be a recognised veterinary qualification only when granted after a specified date.

24. Registration in the Indian veterinary practitioners register.—

The Secretary of the Council may, on receipt of the report of registration of a person in a State veterinary register or on an application made in such form and in such manner, as may be provided by regulations, by any such person, enter his name in the Indian veterinary practitioners register: Provided that the Secretary is satisfied that the person concerned possesses a recognised veterinary qualification.

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6. HOMOEOPATHY CENTRAL COUNCIL ACT, 1973

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21. The Central Register of Homoeopathy

(1) The Central Council shall cause to be maintained in the prescribed manner, a register of practitioners of Homoeopathy to be known as the Central Register of Homoeopathy which shall contain—

(a) in Part I, the names of all persons who are for the time being enrolled on any State Register of Homoeopathy and possess any of the recognized medical qualifications;

(b) in Part II, the names of all persons, other than those included in Part I, who are for the time being enrolled on any State Register of Homoeopathy.

(2) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Homoeopathy in accordance with the provisions of this Act and of any orders made by the Central Council, and from time to time to revise the register and publish it in the Gazette of India and in such other manner as may be prescribed.

(3) Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the Gazette of India.

No.F. 18-27/70-T.2

Government of India

Ministry of Education & Youth Services

(Technical Division)

Section T.2

New Delhi-1, the 20 November, 1970

Subject:- Recognition of Degrees/Diplomas awarded by I.I.Ts and Institutions deemed to be universities under the U.G.C. Act regarding.

Sir,

I am directed to state that the Degree/Diplomas awarded by (i) Universities in India incorporated by an act of the central or state Legislature in India, (ii) Educational Institutions established by an act of Parliament and (iii) Institutions deemed as Universities under section (3) of the University Grant Commission's Act(1956) stand automatically recognized by the Government of India for purpose of employment under the Central Government. No formal orders recognizing such Degrees/Diplomas are issued by the Central Government. A copy of the Ministry of Home Affairs O.M.No.26/4/52-CS dated 30th September, 1952 as amended by their O.M.No6/7/63-Estt.

(d) dated the 4th July, 1962 and their O.M.No.6/1/64-Estt. (e) dated the 19th April, 1964 issued in this behalf is enclosed.

2. The following is the list of Institutions set up under an act of Parliament and Institutions deemed as Universities under section (3) of U.G.C. Act (1956), which are awarding Technical Degree and Diplomas.

(a) Institutions set up under an act of Parliament

1. Indian Institute of Technology, Hauz Khas, New Delhi
2. Indian Institute of Technology, Kanpur
3. Indian Institute of Technology, Kharagpur.

4. Indian Institute of Technology, Madras
5. Indian Institute of Technology, Powai, Bombay.

(b) Institutions Deemed as Universities under U.G.C.

1. Birla Institute of Technology and Science, Pilani
2. Indian Institute of Science, Bangalore
3. Indian Institute of Mines, Dhanbad.

In view of the above orders of the Ministry of Home affairs the Technical Degrees and Diplomas awarded by the above I.I.Ts and the Institutions deemed to be Universities under the U.G.C Act stand recognised by the Central Government equivalent to Technical Degrees and Diplomas in the corresponding subjects awarded by the recognised Indian Universities for purpose of employment under the Central Government. This recognition is enjoyed by all the Ministries and Departments of the Government or Union Public Services Commission, autonomous public organizations/undertaking etc. under the Central Government.

4. Cases have been brought to the notice of this Ministry that certain Departments of the State Government such as Electricity and Public Works Departments did not accept the degrees of the I.I.Ts and the holders of the degrees were asked to produce sufficient evidence about the recognition of their degree by the U.P.S.C. and the Central Government. This was an embarrassing situation and put the degree holders in very much inconvenience. Their employments were delayed. A large number of students joining and the Institutions deemed to be Universities hail serious States and after completion of their degrees seek employment under state Government Departments. In short that the holders of the degrees from I.I.Ts and Institutions deemed as Universities are not put to any inconvenience in future for the employment to State Services, it is requested that the contents of this letter, the recognition of the degrees by the I.I.Ts, the Institutions deemed to

be Universities are brought to the notice of all Departments of the State
Government.

Yours faithfully,

(H.S. Kapoor)

Assistant Education Officer (T)



SINGHANIA UNIVERSITY

Pacheri Bari, (Jhunjhunu), Raj.- 333515
(Established Under Section 2(f) of UGC ACT, 1956)

TO WHOM IT MAY CONCERN

It is for information of all Concerns, including Student and Parents that Singhania University is established by an act of state legislator by Govt. of Rajasthan and is duly recognized under section 2/f of UGC Act, it is a self regulated autonomous statutory body duly empowered to make rules and regulations for its functioning which are binding upon all concerns.

SINGHANIA UNIVERSITY is therefore duly empowered by the authority of law to impart education in all courses including medical / paramedical / nursing / pharmacy etc. Courses such as ANM, GNM, B.SC Nursing, M.SC Nursing, D.Pharma, B.Pharma, M. Pharma, MBBS, BAMS, BHMS, Intergrated System of Medicine etc. by Authority of Law and also duly empowered to award Certificates / Degree / Diploma and any other qualifications to its qualified students. Degree, Diploma or any other educational qualification granted by Singhania University are sui generis valid for all intents and purposes including Govt. Job, Pvt. job and Registration. It is also settled in law that university being established in law that university being established by law is empowered by authority of law to impart education in all Courses including medical courses and is also empowered by authority of law to award degree Diploma Certificates. It does not require any approval or recognition from any other Authority or Council to do so. This information is based on the Judgment of High Court and Honorable Supreme court. Reference of which can be made on our website www.singhaniauniversity.ac.in where various judgments are uploaded for the convenience of ready reference for students and parents. We extract here in below are recent judgment of Rajasthan High Court in the case titled in division bench and supreme court order in the case titled any bureaucrat or authority who miss inform students orally alleging that university degrees is not valid or degree holder is not entitled to register is liable to be prosecuted and punished. It can be bought to the notice of the University if any council or authority Act against law as stated above. University will undertake necessary action to protect the interest of the students.

12/11/2017

27.04.2017

LEGAL OPINION

Querist: Singhania University Students and Staff Welfare Association

My opinion has been sought by the querist on the following important legal questions:

- (1) Whether Singhania University requires approval/ recognition by AICTE, NCTE, DCI, MCI, VCI, Indian Nursing Council /Homeopathy Council, Indian Medical Council or any other State Council, State/ Central Govt. or any other Authority to impart education/ provide instructions in any education course and award degree/ diploma or any other qualification to its students?
- (2) In case no approval is required, then in that case whether degree/diploma/ certificate or other qualification holder from Singhania University will be entitled to be enrolled/ Registered in the professional bodies and whether also the degree/ diploma or any other qualification awarded by Singhania University shall be entitled to be recognized for State/Central or Public Sector employment?

Answer to First Query

Whether Singhania University requires approval/ recognition by AICTE, NCTE, DCI, MCI, VCI, Indian Nursing Council / Homeopathy Council, Indian Medical Council or any other State Council, State/ Central Govt. or any other Authority to impart education/ provide instructions in any education course and award degree/ diploma or any other qualification to its students.

1. I have studied the following Legislations/Regulations/Rules along with all connected amendments till date:
 - 1.1. Advocates Act, 1961
 - 1.2. Circular Notification No 18-27/70 -T.2 dated 20.11.1970, Government of India
 - 1.3. Constitution of India
 - 1.4. Indian Medical Council Act, 1956
 - 1.5. Indian Nursing Council Act
 - 1.6. National Council for Teacher Education Act, 1993
 - 1.7. National Council for Teacher Education Regulations, 2014
 - 1.8. Regulations of The Dental Council of India, 1956

- 1.9. The All India Council for Technical Education Act 1987
 - 1.10. The Dentist Act, 1948
 - 1.11. The Homoeopathy Central Council Act, 1973
 - 1.12. The Indian Bar Councils Act, 1926
 - 1.13. The Indian Medicine Central Council Act, 1970
 - 1.14. The Indian Veterinary Council Act, 1984
 - 1.15. The Pharmacy Act, 1948
 - 1.16. The University Grants Commission Act, 1956
2. Having perused each section of the above laws, I have come to the conclusion that none of the laws require a university established by a State Act and recognized under section 2(f) of the UGC Act, to take approval from any authority to impart education in any course.
 3. The relevant extracts of each of the above laws relating to approvals or permission are reproduced in **Annexure I**.
 4. A university is a separate and distinct class from a college or an institution. A university is established either through a Central or a State legislation whereas, a college or an institution is a non-statutory body set up under a trust or a society. Thus, a university is an autonomous statutory body having been established by the Government itself and a State under Article 12 having law making power. It is pertinent to mention that even the Constitution of India, treats university as a separate class and contains specific provisions related to the university.
 5. From plain reading of all the laws, it is clear that while there is requirement of obtaining approval/ permission by a college or an institution, from the relevant body, none of the above laws specify that a university is required to obtain any permission or approval to impart education in any course. On the contrary, despite the approval/ permission by relevant body to colleges/ institutions, it is the university that has to certify that the education imparted by such colleges/ institutions is sufficient to confer degree on the student concerned. Without such certification by the university no degree is valid irrespective of any approval/ permission from any authority or body.
 6. Similarly, a university being recognized under the UGC Act, 1956 is entitled to confer degrees in all courses as stipulated under Section 22 of the UGC Act. The degree awarded by a university is sui generis and self-validating. The law on this non-necessity of obtaining approval from any other body by a university is not res-integra and has been reaffirmed time and again by Apex Court as well as the various High Courts. A two judge bench of the Hon'ble Supreme Court in the case of *Bharathidasan University and Anr. v. All India Council for Technical Education and Ors.*

AIR 2001 Supreme Court 2861, dealing the necessity of obtaining AICTE's approval by Bharathidasan University for conducting technical courses, held that AICTE approval is not required by the university.

7. This view has also been held by the Hon'ble Punjab and Haryana High court in the case of *Ms. Neelam Devi & Anr. v. Haryana Nurses Registration Council & Ors.* wherein the Hon'ble Court ruled that a degree awarded by a university established under a State Act does not require approval of Indian Nursing Council and any degree awarded by a university is sui generis valid and as such the professional body i.e. Nursing Council shall have to register / enroll the degree holder in its register.
8. Entry 66 of the List I (Union list) of the Seventh Schedule (Article 246) of the Constitution of India provides as under:

"66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions."
9. For this purpose of co-ordination and determination of standards, the Union of India enacted The University Grants Commission Act, 1956. Section 22 of the UGC Act empowers university to award degrees in all education courses notified by UGC under that section:

"(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, "degree" means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the official Gazette."

Thus, a university is the only body that can confer a degree and nowhere is it given that it requires approval of any other authority.
10. It is to be appreciated that UGC Act is a Central Act and therefore, prevails over any other State Act.
11. The UGC Act which is specifically for Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions, is a special Act for universities and as such it prevails over any other Central Act also.
12. Since, Singhania University is established by a State Act i.e. Singhania University Pacheri Bari (Act No. 6 of 2008), it is de jure recognized as

University under U/S 2 (f) of the UGC Act and is governed by the provisions of UGC Act under which Singhania University does not require any approval from anybody to impart education and to award degrees in any course. In fact, the Singhania University Act itself provides that the provisions of Singhania University Act and rules/regulations/ statutes/ Ordinances of the Singhania University shall have the overriding effect over any inconsistent provision of any State Act. By virtue of this, Singhania University, like any other university, becomes a class by itself – i.e. a self regulated autonomous statutory body distinct from any other educational institutions or Colleges.

13. This aspect of complete autonomy of the universities, is further reinforced by Entry 44 of the List I (Union list) of the Seventh Schedule (Article 246) of the Constitution of India which provides:

"44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities."

14. From the plain reading of this entry, it is clear that even the Parliament is not empowered to regulate a university. Therefore, it (the Parliament) cannot delegate any such power (to regulate a university) to any other body, established by an Act of Parliament. As such, no such law has ever been passed by the Parliament.

15. In the landmark case of *T.M.A. Pai Foundation & Ors v. State of Karnataka & Ors.*, Hon'ble Supreme Court while deciding on the Autonomy of university held that:

"A University Education Commission was appointed on 4th November, 1948, having Dr. S. Radhakrishnan as its Chairman and nine other renowned educationists as its members. The terms of reference, inter alia, included matters relating to means and objects of university education and research in India and maintenance of higher standards of teaching and examining in universities and colleges under their control. In the report submitted by this Commission, in paras 29 and 31, it referred to autonomy in education which reads as follows:

"University Autonomy. -- Freedom of individual development is the basis of democracy. Exclusive control of education by the State has been an important factor in facilitating the maintenance of totalitarian tyrannies. In such States institutions of higher learning controlled and managed by governmental agencies act like mercenaries, promote the political purposes of the State, make them acceptable to an increasing number of their populations and supply them with the weapons they need. We must resist, in the interests of our

7. This view has also been held by the Hon'ble Punjab and Haryana High court in the case of *Ms. Neelam Devi & Anr. v. Haryana Nurses Registration Council & Ors.* wherein the Hon'ble Court ruled that a degree awarded by a university established under a State Act does not require approval of Indian Nursing Council and any degree awarded by a university is sui generis valid and as such the professional body i.e. Nursing Council shall have to register / enroll the degree holder in its register.

8. Entry 66 of the List I (Union list) of the Seventh Schedule (Article 246) of the Constitution of India provides as under:

"66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions."

9. For this purpose of co-ordination and determination of standards, the Union of India enacted The University Grants Commission Act, 1956. Section 22 of the UGC Act empowers university to award degrees in all education courses notified by UGC under that section:

"(1) The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees.

(2) Save as provided in sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, 'degree' means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the official Gazette."

Thus, a university is the only body that can confer a degree and nowhere is it given that it requires approval of any other authority.

10. It is to be appreciated that UGC Act is a Central Act and therefore, prevails over any other state Act.

11. The UGC Act which is specifically for Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions, is a special Act for universities and as such it prevails over any other Central Act also.

12. Since, Singhania University is established by a State Act i.e. Singhania University Pacheri Bari (Act No. 6 of 2008), it is de jure recognized as University under U/S 2 (f) of the UGC Act and is governed by the provisions of UGC Act under which Singhania University does not require any approval from anybody to impart education and to award degrees in

any course. In fact, the Singhania University Act itself provides that the provisions of Singhania University Act and rules/regulations/ statutes/ Ordinances of the Singhania University shall have the overriding effect over any inconsistent provision of any State Act. By virtue of this, Singhania University, like any other university, becomes a class by itself – i.e. a self regulated autonomous statutory body distinct from any other educational institutions or Colleges.

13. This aspect of complete autonomy of the universities, is further reinforced by Entry 44 of the List I (Union list) of the Seventh Schedule (Article 246) of the Constitution of India which provides:

“44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.”

14. From the plain reading of this entry, it is clear that even the Parliament is not empowered to regulate a university. Therefore, it (the Parliament) cannot delegate any such power (to regulate a university) to any other body, established by an Act of Parliament. As such, no such law has ever been passed by the Parliament.

15. In the landmark case of *T.M.A. Pai Foundation & Ors v. State of Karnataka & Ors.*, Hon'ble Supreme Court while deciding on the Autonomy of university held that:

“A University Education Commission was appointed on 4th November, 1948, having Dr. S. Radhakrishnan as its Chairman and nine other renowned educationists as its members. The terms of reference, inter alia, included matters relating to means and objects of university education and research in India and maintenance of higher standards of teaching and examining in universities and colleges under their control. In the report submitted by this Commission, in paras 29 and 31, it referred to autonomy in education which reads as follows:

***“University Autonomy. -- Freedom of individual development is the basis of democracy. Exclusive control of education by the State has been an important factor in facilitating the maintenance of totalitarian tyrannies. In such States institutions of higher learning controlled and managed by governmental agencies act like mercenaries, promote the political purposes of the State, make them acceptable to an increasing number of their populations and supply them with the weapons they need. We must resist, in the interests of our own democracy, the trend towards the governmental domination of the educational process.*”**

Higher educational is, undoubtedly, an obligation of the State but State aid is not to be confused with State control over academic policies and practices. Intellectual progress demands the maintenance of the spirit of free inquiry. The pursuit and practice of truth regardless of consequences has been the ambition of universities. Their prayer is that of the dying Goethe: "More light," or that Ajax in the mist "Light, though I perish in the light.

xxxxx xxx xxx

The respect in which the universities of Great Britain are held is due to the freedom from governmental interference which they enjoy constitutionally and actually. Our universities should be released from the control of politics.

Liberal Education. -- All education is expected to be liberal. It should free us from the shackles of ignorance, prejudice and unfounded belief. If we are incapable of achieving the good life, it is due to faults in our inward being, to the darkness in us. The process of education is the slow conquering of this darkness. To lead us from darkness to light, to free us from every kind of domination except that of reason, is the aim of education."

There cannot be a better exposition than what has been observed by these renowned educationists with regard to autonomy in education. The aforesaid passage clearly shows that the governmental domination of the educational process must be resisted. Another pithy observation of the Commission was that state aid was not to be confused with state control over academic policies and practices. The observations referred to herein above clearly contemplate educational institutions soaring to great heights in pursuit of intellectual excellence and being free from unnecessary governmental controls."

16. This exposition has been held by all courts as the basis on which the universities must always be kept free from the fetters of any regulation except as provided in the UGC Act which is a special Act for functioning of universities.
17. In another landmark case of *Maharishi Mahesh Yogi Vedic Vishwavidyalaya v. State of M.P. & Ors.*, Hon'ble Supreme Court has held that any provision in the University Act requiring approval of the State Government to impart education in any course, is ultra virus (i.e. not a valid law) because the university is governed by UGC Act and the UGC Act grants autonomy to the university in imparting education and awarding degrees in all courses of education. Hon'ble Supreme Court has further held that university has got a fundamental right to impart education and

students have a fundamental right to acquire education anywhere and in any course under Article 14, 19 (1) (g) and 21 of the Constitution of India.

18. Regarding University Autonomy, Hon'ble Supreme Court held that imparting education is a Fundamental Right under Article 19(1)(g):

"19. *Protection of certain rights regarding freedom of speech etc. -----(a)*
– (f) -----
(g) to practise any profession, or to carry on any occupation, trade or business."

19. In view of the above, I have no hesitation to opine that Singhania University does not require any approval from any other body or authority to impart education (which is its occupation) in any course and award degree to its students.

Answer to Second Query

In case no approval is required, then in that case whether degree/diploma/certificate or other qualification holder from Singhania University will be entitled to be entitled to be enrolled/ Registered in the professional bodies and whether also the degree/ diploma or any other qualification awarded by Singhania University shall be entitled to be recognized for State/Central or Public Sector employment.

20. As explained in para 6-10 above, under section 22 of the UGC Act, a university has unconditional/ unqualified right to confer degrees in all courses of education. No authority or body other than a university can confer degree.
21. The relevant sections of above acts related to registration of a degree/ diploma / certificate holder are reproduced in Annexure II.
22. None of the above sections specify that the holder of a degree only from a university which has obtained approval/ permission will be registered by the relevant professional body.
23. Furthermore, none of the above Acts, debar from registration by the concerned professional body, any holder of a degree from a university who has not obtained approval/ permission from the relevant body when such approval is not required to award a degree.
24. As submitted above, Hon'ble Punjab and Haryana High Court in the case of *Neelam Devi & Anr. v Haryana Nurses Registration Council & Ors.* categorically ruled that a degree awarded by a university established under a state legislation does not require approval of Indian Nursing Council.

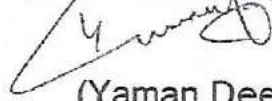
under a state legislation does not require approval of Indian Nursing Council.

Hon'ble Punjab and Haryana High Court further directed that since a degree awarded by a university does not require approval from any other authority, it is a valid qualification for registration in the state register.

25. As regards recognition of Singhanian University degree/ diploma for State/ Central Government employment, Ministry of Education and Youth Services (Ministry of H.R.D.) vide circular notification No 18-27/70 -T.2 dated 20.11.1970 (Annexure III), has specifically notified that university degree are entitled to be automatically recognised for State/ Central Government employment.

In view of the foregoing, my considered opinion is that holder of a degree/ diploma, given by Singhanian University, is entitled to be enrolled/ registered in the professional register of any concerned body. Degree/ Diploma or any other qualification awarded by Singhanian University is a valid qualification for State/ Central or Public Sector employment.

Opined Accordingly



(Yaman Deep)



SACHIDANANDA TRIPATHY

Retired Judge
Senior Legal Consultant

July 11, 2018

Legal Opinion

Querist: Singhania University Students and Staff Welfare Association Trust

My opinion has been sought on the query that whether the medical students of Singhania University Pacheri Bari (Jhunjhunu) ("Singhania University") will be eligible/ entitled to appear in the Exit/ Licentiate Exam when held after coming into force of the National Medical Commission Act ("NMC Act").

The answer to the aforesaid query lies by examining which students will be eligible under the NMC Act to appear for the National Licentiate Examination and for that it is pertinent to refer to Section 15 of the NMC Act which provides as under:

"National Licentiate Examination

15. (1) The Commission shall conduct a uniform National Licentiate Examination for students graduating from the medical institutions which are governed by the provisions of this Act for granting licence to practice medicine as medical practitioners and for enrolment in the State Register or the National Register, as the case may be.

....."

From the above it follows that the National Licentiate Examination shall be conducted by the National Medical Commission for all the students graduating from the medical institutions governed by the provisions of the NMC Act and the successful students shall be granted licence to practice medicine as medical practitioners and for enrolment in the State Register or the National Register, as the case may be.

Thus, in order to determine that whether the students of Singhania University will be entitled under law to appear in the National Licentiate Examination, it must be examined that whether Singhania University falls under the definition of "medical institutions which are governed under the NMC Act". The term "medical institution" is defined under Section 2(i) and

the term "University" is defined under Section 2(x) of the NMC Act as under:

"Section 2

In this Act, unless the context otherwise requires-

- (i) *"medical institution" means any institution, within or outside India, which grants degrees, diplomas or licenses in medicine;*
- (ii) (x) *"University" shall have the same meaning as assigned to it in clause (f) of Section 2 of the University Grants Commission Act, 1956 and includes a health University."*

It is further pertinent to examine the provisions of the University Grants Commission Act, 1956 ("**UGC Act**") which provides as under:

"2. Definitions

In this Act, unless the context otherwise requires, -

- (f) *"University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognized by the Commission in accordance with the regulations made in this behalf under this Act.*

22. Right to confer degrees

- (1) *The right of conferring or granting degrees shall be exercised only by a University established or incorporated by or under a Central Act, Provincial Act or a State Act or an institution deemed to be a University under section 3 or an institution specially empowered by an Act of Parliament to confer or grant degrees."*

As per Section 22 of the UGC Act, a university established or incorporated by or under a State Act is empowered to award all degrees of education which includes degrees in medicine. Therefore, Singhanian University being established by a State Act namely, Singhanian University Pachari Bari (Jhunjhunu) Act, 2008 ("**Singhanian University Act**") is recognised under Section 2(f) of the UGC Act and empowered to grant or confer degrees in all courses of education including medicine. It is further pertinent to state that Singhanian University being a statutory body is governed by the provisions of the Singhanian University Act which provides for its powers and functions. Section 5 of the Singhanian University Act provides as under:

"5. Powers and functions of the University

The University shall have the following powers and functions, namely:

....

- (b) *to grant, subject to such conditions as the University may determine, diplomas or certificate, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such diplomas, certificate, degrees or other academic distinctions for good and sufficient cause;"*

Thus, as per Section 22 of the UGC Act read with Section 5 of the Singhania University Act, Singhania University is empowered under law to confer degrees, diplomas, certificates and all other academic distinctions in all courses of education including medicine as it may determine.

Coming back to the requirement under the NMC Act qua the eligibility/ entitlement of students for taking the National Licentiate Examination, as provided under Section 15 of the NMC Act, the students graduating from medical institutions which are governed by the provisions of the NMC Act shall be eligible/ entitled to take the uniform National Licentiate Examination. As discussed above, Singhania University being empowered to grant degrees, diplomas and licenses in medicine thus, qualifies under the definition of "medical institution" as per Section 2(i) of the NMC Act.

Singhania University is a medical institution governed by the provisions of the NMC Act is well established from the following provisions in the NMC Act:

"Recognition of Medical Qualifications

- 34.(1) *The medical qualification granted by any University or medical institution in India shall be listed and maintained by the Under-Graduate Medical Education Board or the Post-Graduate Medical Education Board, as the case may be, in such manner as may be specified by regulations and such medical qualification shall be a recognised medical qualification for the purposes of this Act.*
- (2) *Any University or medical institution in India which grants an undergraduate or postgraduate or super-speciality medical qualification not included in the list maintained by the Under-*

Graduate Medical Education Board or the Post-Graduate Medical Education Board, as the case may be, may apply to that Board for granting recognition to such qualification.

Recognition of medical qualifications granted by statutory or other body in India

36.(1) The medical qualifications granted by any statutory or other body in India which are covered by the categories listed in the Schedule shall be recognised medical qualifications for the purposes of this Act.

...

(3) The Central Government may, on the recommendation of the Commission, and having regard to the objects of this Act, by notification, add to, or, as the case may be, omit from, the Schedule any categories of medical qualifications granted by a statutory or other body in India and on such addition, or as the case may be, omission, the medical qualifications granted by such statutory or other body in India shall be, or shall cease to be, recognised medical qualifications for the purposes of this Act.

Completion of courses of studies in medical institutions

48.(1) Notwithstanding anything contained in this Act, any student who was studying for a degree, diploma or certificate in any medical institution immediately before the commencement of this Act shall continue to so study and complete his course for such degree, diploma or certificate, and such institution shall continue to provide instructions and examination for such student in accordance with the syllabus and studies as existed before such commencement, and such student shall be deemed to have completed his course of study under this Act and shall be awarded degree, diploma or certificate under this Act."

Section 34 specifically provides that the medical qualification granted by a University shall be listed and maintained by the Under-Graduate Medical Education Board or the Post-Graduate Medical Education Board, as the case may be. Further, Section 48 being a non-obstinate clause i.e. prevailing over all other clauses expressly provides that any student who was studying for a degree, diploma or certificate in any medical institution

before the commencement of the NMC Act shall continue to study and complete his course and such institution shall continue to provide instructions and examination and such student shall be awarded degree, diploma or certificate under the NMC Act. Thus, the position in law as per the provisions of the NMC Act is very clear that after the commencement of the NMC Act, the students who have taken admission in medical courses before the commencement of the NMC Act shall continue and complete their studies and shall be entitled to be awarded the degree, diploma or other qualification under the NMC Act.

It is equally important to note that Singhania University is established by an Act of State Legislature that is a statutory body and being recognized under Section 2(f) of the UGC Act, it is entitled by authority of law i.e. Section 22 of the UGC Act read with Section 5 of the Singhania University Act to award degrees, diplomas and licenses in all courses of education including medicine i.e. MBBS, MD, MS, B.Sc. (Community Health), ANM, GNM, B.Sc. (Nursing), Paramedical courses viz. DMLT, BMLT, MMLT, DRIT, BRIT, MRIT etc. there being no requirement of taking any approval from any other authority or council.

The Ministry of Education, Government of India vide Circular No.F.18-27/70-T.2 dated 20.11.1970 has categorically notified that the degrees/diplomas awarded by universities in India incorporated by an Act of the Central or State Legislature in India stand automatically recognised by the Government of India for purposes of employment under the Central Government. No formal order recognising such degrees/ diplomas are required to be issued by the Government. Even the Higher Education Department, Government of Rajasthan vide Circular dated 03.11.1999 following the circular of the Central Government has notified that the qualifications awarded by the universities established under the Central or the State Act shall automatically stand recognised for the purposes of State Government jobs and there is no requirement for issuing any separate orders in respect of the same.

Thus, the degrees, diplomas, certificates or any other educational qualifications awarded by Singhania University i.e. a statutory body established by a State Act are sui-generis valid for all intents & proposes. The passed-out students holding qualifications of Singhania University are

automatically entitled and recognised for Government jobs and registration with all the councils.

In case any public officer or authority acts otherwise and illegally deprives the students of their legal rights and the Fundamental Rights guaranteed under the Constitution of India, the said public officer or the authority shall be disobeying law and shall be committing offence personally liable to be punished under Section 166 of the Indian Penal Code, 1860 which shall include simple imprisonment for a term which may extend to one year, or with fine, or with both.

The aforesaid position in law is well settled as laid down by a catena of judgments. Some of the relevant judgments are discussed as under:

1. **Sunil Bishnoi v. State of Rajasthan & Singhania University, S.B.C.W.P. No.8149/ 2015, High Court of Rajasthan (Jodhpur)**

Facts of the case:

1. The Petitioners (students) took admission in the General Nursing and Midwifery ('GNM') and Auxiliary Nursing and Midwifery ('ANM') courses in Singhania University (Respondent No.3).
2. The Petitioners successfully completed their respective courses in the year 2014. After completing the courses, the Petitioners underwent requisite training of six months in different hospitals, obtained certificates and approached Rajasthan Nursing Council (RNC/ Respondent No.2) for registration under the Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Act, 1964.
3. The Respondent No.2 i.e. RNC refused to register the Petitioners. As a result, the Petitioners approached the Court to direct the RNC to register their qualification.

Decision of the Court:

"It is not in dispute that the Respondent No.3-University, from which the petitioners have passed the GNM and ANM courses, is a University established under a statute. Hon'ble Supreme Court in Dr. B.L. Asawa v. State of Rajasthan & Ors. reported in AIR 1982 SC 933

has held that degree or diploma granted by a University, created by law or under the law, is not required to get recognition by other authority. The same view was taken by this Court in the decision dated 21.02.1991 rendered in *Mrs. Madhu Santosh v. State of Rajasthan* (S.B. Civil Writ Petition No.2502/1989) while relying on *Dr. B.L. Asawa's case* (supra). The Punjab and Haryana High Court in *Ms. Neelam Devi's case* (supra), on the same point has held as under:

IV. Degree conferred by University established under an enactment in sui generis and self-validating

5. It may be that the State of Haryana did not recognize the degree or the Indian Nursing Council Act of 1947 itself does not provide for a recognition but if there is a University established under the Act or Parliament or a State legislature and the University existed till the Act was struck down by a decision of the Hon'ble Supreme Court, the degree obtained through such a University would require no recognition from anybody. The recognition comes through the very fact that the institute that awarded the degree is established under a University through an enactment."

6. The effect of a degree through an institute affiliated to University and the non-necessity of obtaining approval from any other body was affirmed by the Hon'ble Supreme Court in *Bharathidasan University and Anr. v. All India Council for Technical Education & Ors.*, AIR 2001 SCC 2861, referring to a University established under the *Bharthidasan University Act of 1981*, a degree granted by University established, the Hon'ble Supreme Court held, was not required to seek prior approval of the All India Council for the Technical Education (AICTE) to start a department for imparting a course or programme in technical education.

....

As stated earlier, it is not in dispute that the Respondent No.3-University is a University established under the statute and, therefore, in view of the law laid down in the above referred cases that a degree, diploma or any qualification awarded by any University, established under the statute, is automatically

recognized and needs no recognition by any other authority, there is no hesitation in holding that the Respondent No.2-RNC cannot refuse to register the Petitioners under the provision of Act of 1964 on the ground that the Respondent No.3-University, from which the Petitioners have completed GNM and ANM courses, is not recognized by the INC. Hence, this writ petition is allowed. The respondent No.2- RNC is directed to consider the request of the petitioners expeditiously preferably within a period of two months from the date of production of certified copy of this order, and if the petitioners are otherwise eligible, necessary registration be granted to them."

2. **Rajasthan Nursing Council v. Singhania University, D.B.S.A.W. No.671/2018, High Court of Rajasthan (Jodhpur)**

Facts of the case:

1. Aggrieved by the order of the Single Judge, High Court of Rajasthan (Jodhpur), Rajasthan Nursing Council preferred Appeal before the Division Bench challenging the said order.
2. The contention of the Rajasthan Nursing Council was that the students are not entitled to be registered since Singhania University is not recognised by the Council.

Decision of the Court:

The Hon'ble Court after following the judgments of the Hon'ble Supreme Court upheld the order of the Ld. Single Judge and held as under:

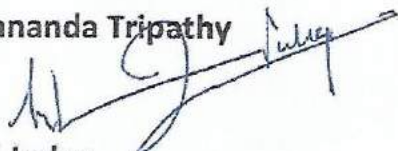
"After hearing learned counsel for the parties, first of all it is required to be observed that in the grounds of the writ petition no other ground has been taken by the appellant except the ground which is incorporated and mentioned above. The only argument and ground taken in the appeal is that registration is required from appellant RNC by the Singhania University, which is established by law. We have considered the rival submissions and come to the conclusion that once the controversy has already been adjudicated by the Hon'ble Apex Court in the case of Dr. B.L. Asawa v. State of Rajasthan & Ors. reported in AIR 1982 SC 933 and in case of Mrs. Madhu Santosh v. State of

Rajasthan (SBCWP NO.2502/1989), decided on 21.2.1991 while relying upon the aforesaid judgment then there is no question to hold that any error has been committed by the learned Single Judge in directing the Appellant RNC so as to deny the registration on the pretext that recognition is necessary from the appellant Rajasthan Nursing Council. We are of the firmed opinion that if any University is established by law and imparting the course in the form of diploma and degree or qualification, that cannot be questioned by the appellant RNC for the purpose of registration. We have considered the judgment cited by the learned counsel for the appellant in the case of Gand Mal Dhaker & Ors. Vs. State of Rajasthan (DBSAW No.955/2011), decided on 17.2.2017 in which question of appointment and qualification was involved and here the controversy is only with regard to registration, therefore, the judgment rendered in aforesaid case not applicable in the present case. In our opinion no error has been committed by the learned Single Judge so as to allow the writ petition filed by the respondents while following the adjudication made by the Hon'ble Apex Court, in the case of Dr. B.L. Asawa (supra) which is subsequently followed by this court in the case of Mrs. Madhu Santosh (supra). Consequently, the instant special appeal is hereby dismissed."

Based on the aforesaid, it is opined that the medical students of Singhania University will be eligible/ entitled to appear in the National Licentiate Exam when held after coming into force of the National Medical Commission Act.

Opined accordingly.

Sachidananda Tripathy


Retired Judge

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.12759-12761 OF 2017

(Arising out of SLP(Civil) Nos.23346-23348 of 2017)

THE KARNATAKA STATE ASSOCIATION OF .. APPELLANT(S)
THE MANAGEMENT OF NURSING AND ALLIED
HEALTH SCIENCE INSTITUTIONS & ORS.

Versus

INDIAN NURSING COUNCIL & ORS. .. RESPONDENT(S)

O R D E R

1. Leave granted.
2. The learned Single Judge allowed the writ appeal in the following terms:

"16. In the circumstances, I am of the clear view that the petitions (W.P.Nos.25355-57/2017) are entitled to succeed. In the result, these petitions (W.P.Nos.25355-57/2017) are allowed. It is declared that the Indian Nursing Council, Respondent No.2 herein, has no authority to grant recognition to the Institutions imparting Nursing courses. The Respondent No.2 is further restrained from publishing on its website, materials indicating that the institutions imparting Nursing courses have to obtain recognition from Respondent No.2 and all such materials from which it could infer recognition is to be obtained from Indian Nursing Council stand withdrawn from its website forthwith. W.P. Nos.28383-28385/ 2017 which is also for the similar relief is accordingly disposed of. Rule issued and made absolute accordingly."

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3. Against the aforesaid Single Judge's judgment a writ appeal was preferred to the Division Bench of the Karnataka High Court

which admitted the appeal and stayed the second part of the learned Single Judge's order.

4. We are of the view that the two parts of the learned Single Judge's order are inextricably inter connected. Once it is declared that the Indian Nursing Council, Respondent No.2 has no authority to grant recognition to the Institutions imparting Nursing Course it must follow that the Respondent No.2 is, therefore, restrained from publishing on its website, the material that are indicated. We are, therefore, of the view that the interim order passed by the Division Bench must be set aside and the order of the learned Single Judge restored.

5. The appeals are allowed in the aforesaid terms.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI,
SEPTEMBER 11, 2017.

ITEM NO.43

COURT NO.10

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) No(s). 23346-23348/2017

(Arising out of impugned final judgment and order dated 21-08-2017 in IA.NO.1/2017 in WA No. 4830/2017 and WA.Nos.4832-4822/2017 passed by the High Court of Karnataka at Bangaluru)

THE KARNATAKA STATE ASSOCIATION OF THE MANAGEMENT OF NURSING AND ALLIED HEALTH SCIENCE INSTITUTIONS & ORS. Petitioner(s)

VERSUS

INDIAN NURSING COUNCIL & ORS.

Respondent(s)

Date : 11-09-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Shyam Divan, Sr.Adv.
Mr. H.N. Nagmohan Das, Sr.Adv.
Mr. S.G. Devasa, Adv.
Mr. Manish Tiwari, Adv., for
M/s. Devasa & Co., AOR

For Respondent(s) Mr. Soli J. Sorabjee, Sr.Adv.
Mr. V.S.R. Krishna, Adv.
Mr. T. Mahipal, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order

(USHA RANI BHARDWAJ)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

Signed order is placed on the file.