

**IN THE HIGH COURT OF TELANGANA AT HYDERABAD**

**W.P. No. 43071 of 2022**

**Between:**

**Nightingale School of Nursing and another**

**... Petitioners**

**And**

**State of Telangana and others**

**... Respondents**

**JUDGMENT PRONOUNCED ON: 31.01.2023**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : yes  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be  
marked to Law Reporters/Journals? : yes
3. Whether Their Lordships wish to  
see the fair copy of the Judgment? : yes

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**SUREPALLI NANDA, J**

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

W.P. No. 43071 of 2022

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> Head Note:

! Counsel for the Petitioner : G.P. for Medical Health

^Counsel for Respondents : Sri V.Srihari

? Cases Referred:

1. (2013) 3 SCC 385

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA****W.P. No. 43071 of 2022**

Heard the Learned Counsel for the Petitioner and the Learned counsel for the Respondent.

2. This Writ Petition is filed to issue a Writ of Mandamus to declare the action of Respondents No.2 in declining admissions into General Nursing and Mid-Wifery three years course for the academic year 2022-23 to the petitioner is arbitrary, illegal and against the principles of Natural Justice, consequently direct respondent No.2 to permit admission into General Nursing and MidWifery course by extending the time stipulated in notifications vide Rc.No.34792/N1/2022, dated 01.10.2022 and 16.11.2022 in the online portal of Respondent No.2 to complete the process of registration for admissions for the academic year 2022-23 and complete the process admission into the petitioners institute i.e., Nightingale School of Nursing by a reasonable time.

**3. The case of the Petitioners, in brief, is as follows:**

a) Petitioner No.1 society is established under the Public Societies Registration Act vide Registration No.1725 of 2003

dated 25.11.2003 for imparting education and mostly to cater to the needs of girls hailing from Scheduled Caste and Tribe Communities.

b) Government vide G.O.Ms.No.313, HM & FW (M2) Dept., dated 16.08.1997 had laid down certain policies for admission into General Nursing and Midwifery three year course and according to the said circular, 50% of total seats are set apart as "Free" and the remaining 50% are "Management Seats".

c. The Respondent No.2 issued a Notification vide RC.No.34792/N1/2022 dated 01.10.2022 for Admission into General Nursing and MidWifery three-year course for the academic year 2022-23 inviting students to opt for online registrations.

d) Name of the Petitioners institute without any prior intimation had been omitted from the list of institutes to effect admission for the academic year 2022-23 in the notification dated 01.10.2022.

e) Respondent No.3 issued notice dated 16.04.2021 to the petitioner and the petitioner with all the relevant documents

had replied on 17.05.2021 to respondent no.3. Respondent no.3 had issued another notice dated 11.08.2021 alleging that a part of the property was let out to a third party.

f) Petitioner replied stating that the lease was never acted upon and was even cancelled by a notice dated 31.07.2019 and a surrender of lease was executed duly cancelling the lease and upon being satisfied, respondent no.2&3 permitted the petitioner institute admissions for the year 2021-22.

g) Respondent No.3 issued another notice vide TSNMC/GNM/5130/2022 dated 15.09.2022 alleging that the physical infrastructure is not provided as per the norms and directed the petitioner to appear before the committee on 30.09.2022. The petitioner had appeared before the committee on the said date and made their submissions.

h) Further, petitioner even submitted an explanation to Respondent no.3 on 25.10.2022 stating the additional 2 (Two) Floors were under construction but were inadvertently mentioned as Constructed and expressed regret.

i) Respondent no. 2 & 3 did not consider bonafide endorsement of Minister for Medical and Health to do the needful for admission of 60 prospective students into the petitioners' institute. The petitioners' institute is a non profit organization and solely depends on the fee paid by the students and if the time for online admission is not extended then the petitioner institute would be adversely affected.

**4. The case of the Respondents, in brief, is as follows:**

a) The Petitioner has suppressed the fact about the earlier case filed before the High Court and has approached with unclean hands.

b) The Telangana Nurses, Midwives, Auxiliary Nurse – Midwives and Health Visitors Council is an Autonomous and statutory body to regulate not only the Registrations of Health Visitors but also maintaining uniform standards in Nursing Education and that the 2<sup>nd</sup> Respondent is the 'president' of The Telangana Nurses, Midwives, Auxiliary Nurse – Midwives and Health Visitors Council.

c) Under section 11(2) of Act No. III of 1926, the Nursing Council is empowered to accord permissions to Nursing Schools and under Rule 39, it is also empowered to inspect the institutions by deputing inspectors for Recognition and Renewal of Recognition.

d) As per Rule 8 of G.O.Ms.No.313, Health, Medical and Family Welfare (M2) Dept., dated 16.08.1997, the Nursing Institutions shall maintain physical facilities, requirement of personnel and equipment as per norms fixed by the Indian Nursing Council from time to time.

e) Initially permission was accorded to the Petitioners Institute vide G.O.Ms.No 44 dated 25.01,2000 but later respondent no.3 has deputed inspectors to inspect on 30.08.2019 and was found that the premises were shifted without prior permission of Respondent no. 3 council and a notice was issued by the Respondent no.3 council asking for explanation on shifting the premises without permission from Respondent no.3 council.

f) The Petitioner's Institute had been a consistent defaulter and had approached this Court in W.P. No. 20635 of

2019 along with other and as per directions of the court, the admissions were considered for the academic year 2019-20 and the same chain of events has been repeated even for the academic year 2020-21 by filing WP No.24268 of 2020.

g) The Petitioners institute had violated several resolutions, guidelines, notifications issued by the Indian Nursing Council from time to time and hence the Petitioner's Institute was not notified for admissions for the academic year 2022-23. Moreover, the petitioners have approached this court without challenging the notices issued by the Respondents and the same is untenable in law.

h) The contention of the petitioner that lease was never acted upon is false, as on verification of records, the premises were leased to M/s. Virinchi Health Care Private Limited for a period of 5 years vide document no. 6832 of 2018. On the receipt of the Show Cause Notice vide Lr.No.TSNMC/GNM/36901/2020 dated 11.08.2021 from the respondent no. 3 council, Petitioner's Institute had executed the cancellation of lease deed vide document no.4412/2021.

i) The plinth area of Petitioner's institute is 10,000 sft. vide sale deed document no. 2432/2005 but the petitioner's institute is paying property tax for 8,559 sft. only and that the petitioners have failed to produce any proof or scrap of paper of the fact that "Two floors were under construction".

j) The Respondent 3 council had issued several show cause notices in the past to the Petitioner's Institute to make good of the deficiencies with regard to Physical Infrastructure and other facilities.

k) Upon surprise inspection by the inspectors at the Petitioners Institute, it was seen that the building gate was closed, premises were dirty and the building not being in use and it was informed by the adjacent shop owners that the Petitioner's Institute is not functioning and other neighbors informed that the Petitioner's institute is locked and closed. Despite providing many opportunities, the Petitioner's Institute had not made good of the wrongs. Hence, the Writ Petition is liable to be dismissed without going into the merits of the case.

**FACTS NOT IN DISPUTE :**

5. Vide G.O.Ms.No.44, dt.25.01.2000 permission is accorded for establishment of Nightingale School of Nursing at FlatNo.103, Srinivasa Apartments, Humayunagar, Hyderabad–28, that is the Petitioner herein by the 1<sup>st</sup> Respondent. Paras 7 & 8 of the said G.O. read as under :

*Para 7 : The President Andhra Pradesh Nursing Council, Hyderabad in her letter 11<sup>th</sup> read above has informed that on receipt of compliance report from the Treasurer, Mahalaxmi Educational Society, Humayunnagar, Hyderabad an inspection of Nightingale School of Nursing at Flat No.103, Srinivasa Apartments, Humayunnagar, Hyderabad was conducted and that as per the report of the Inspector, the School of Nursing has fulfilled all the conditions stipulated in the letter 9<sup>th</sup> read above and has therefore requested the Government to accord necessary permission to the Treasurer, Mahalaxmi Educational Society, Humayunnagar, Hyderabad to start Nightingale School of Nursing at Flat No.103, Srinivasa Apartments, Humayunnagar, Hyderabad and to admit 60 (sixty) students per year for the course.*

*Para 8 : Government after examination of the report of the President, Andhra Pradesh Nursing Council, Hyderabad in the letter 11<sup>th</sup> read above, and as per Rule-30 under Section 11(2)(b) of Andhra Pradesh Nurses and Midwives (Extension and Amendment) Act, 1964, hereby accord permission to the Treasurer, Mahalaxmi Educational Society, Humayunnagar, Hyderabad to start Nightingale School of Nursing at Flat No.103, Srinivasa Apartments, Humayunnagar, Hyderabad and to admit 60 (sixty) students per year for the course. The Treasurer, Mahalaxmi Educational Society, Humayunnagar, Hyderabad, shall ensure that:*

- 1) The school of Nursing is run regularly with the required Physical and Clinical facilities.
- 2) The required teaching staff with the necessary qualifications as per the Andhra Pradesh Nursing Council regulations are employed to educate and train the students properly in accordance with the prescribed syllabus.
- 3) The School of Nursing is run efficiently in the best interests of the students.
- 4) The procedure prescribed for the Selection and Admission of students are scrupulously followed including the selection of students from local areas and observing the Rules of Reservation.
- 5) The admissions are made only for the year specified by the Director of Medical Education in his order granting permission.
- 6) The location of the Institution is not shifted from the location indicated in the application or shown to the inspecting team without written prior permission from the Government.
- 7) The number of students admitted do not exceed the number of students permitted for annual admission.
- 8) The fees collected by whatsoever name called either for free seats or for management seats do not exceed the limits specified in the Government Orders.
- 9) The Students hostels wherever provided are adequately furnished with appropriate areas for their comfortable stay and provision is made for their indoor or outdoor games.

**6. Vide Rc.No.34792/N1/2022, dt. 01.10.2022 the Director of Medical Education, Telangana State, Hyderabad, requested the Commissioner, Information and Public Relations, A.C. Guards, Hyderabad to issue Notification for Admission into General Nursing and**

**Midwifery Course for (Male & Female) both in Private and Government for 2020-23 and Rc.No.34792/N1/2022, dt.01.10.2022 which pertains to issue of Notification for admission into 1<sup>st</sup> year of 3 years (General Nursing and Midwifery Training Course for Male and Female candidates) for the Academic year 2022-23 in respect of Private Schools of Nursing and the said Notification with reference to submission of Online GNM Admission Applications step 3 and the last paras read as under :**

*Step 3 : Download / Print the filled in application form and submit the same with necessary enclosures to the concerned District Medical & Health Officers either in person or by Registered Post with due acknowledgement for both Convenor and Management quota seats. The downloaded applications should reach the Office of the DM & HO's concerned on or before 31.10.2022 by 5.00 P.M. (for Management quota seats).*

*The admissions to the Management Seats has to be made as per Rule 3, Para 5 and 6 of G.O.Ms.No.313, HM&FW (M2) Dept., dt. 16.08.97 and Govt. Memo No.27970/M2/98-1, HM&FW (M2) Dept., dt. 6-10-98. For the Management Seats also, the candidates are required to fill up the online application, download the filled-in application and submit the same along with the Management quota lists to the selection committee for its approval.*

*Entire process of selection has to be completed by 31.10.2022. As soon as the selection process is completed as per the above instructions and guidelines,*

*the selection lists should be submitted to this office duly approved by the Selection Committee members on or before 03.11.2022 without fail by the concerned District Medical & Health Officers. The selection list should indicate very clearly the number of candidates under free and management quota for each private nursing schools separately.*

**7. The Petitioner approached this Court by filing the present W.P.No.43071 of 2022 and the Court vide its orders dated 11.01.2023 was pleased to pass orders observing as follows :**

ORDER:

*This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondent No.2 in declining admissions into General Nursing and Midwifery three years course for the academic year 2022-23 to the petitioner institution as illegal, arbitrary and against the principles of natural justice and consequently, to direct the respondent No.2 to permit admissions into the General Nursing and Midwifery three years course by extending the time stipulated In notification dated 01.10.2022 and 16.11.2022 in the online portal of respondent No.2 to complete the process of registration for admissions for the academic year 2022-23 and complete the process of admission into the petitioners institute by a reasonable time and pass such other order or orders.*

*Learned counsel for the petitioners submitted that the petitioner Education Society was established in the year, 2000 by virtue of G.O.Ms.No.44 dated 25.01.2000. It is submitted that the petitioner organization was established under Public Societies Registration Act vide registration dated 25.11.2003. It is submitted that the Government has laid down a policy in terms of G.O.Ms.No.313, HM&FW (M2) Dept., dated*

*16.08.1997 for admission into General Nursing and MidWifery (GNM) three years course and the method for admission into GNM three years course shows that 50% of the total number of seats are shown as "free seats" and remaining 50% are shown as "Management seats". The Selection Committee comprising of the respondent No.2 as Convenor selects the candidates for admission on merit basis and upon such selection, the private institutions shall admit the candidates as selected and allotted its subject to a maximum of 60 students*

*It is submitted that the respondent No.2 has issued a notification dated 01.10.2022 for admissions into GNM training three years course from the academic year 2022-23 inviting prospective students to opt for online registrations from 01.10.2022 to 15.10.2022 and the selection process should be completed by 31.10.2022. It is submitted that the time was further extended for registrations for admissions from 16.11.2022 to 25.11.2022 and, the last date for filing applications at DM & HO's office was 26.11.2022 and, the selection process was to be completed by 30.11.2022.*

*It is submitted that in the notification, the name of the petitioner was not included for online admissions for the academic year 2022-23. Since, there was no notice issued for not including the name of the petitioner in the list of eligible institutes for admissions for the academic year 2022-23, the petitioner was shocked to see that the petitioner institution name was not in the list.*

*It is submitted that the respondent No.3 had earlier issued a notice dated 16.04.2021 for rectification by the petitioner institution of the lapses as pointed out in the inspection report. The petitioner submits that he has replied to the said notice by letter dated 17.05.2021. It is further submitted that the respondent No.3 have again issued a show cause notice dated 11.08.2021 pointing out certain deficiencies and the petitioner has also submitted its reply on 23.08.2021.*

*It is submitted that thereafter the petitioner has also made several representations to the respondents for their consideration, but no reply has been received thereafter. It is submitted that the main objection of the respondents was that the petitioner institution did not possess the necessary infrastructure as required under the Indian Nursing Council norms. It is submitted that without granting any opportunity of hearing to the petitioner, the respondents have not included the name of the petitioner Institution in the list of institutes eligible for admissions for the academic year 2022-23. Therefore, the present Writ Petition has been filed.*

*The respondents have filed a counter affidavit stating that the petitioner has been given several notices to rectify the defects pointed out by the respondents and the petitioner has not rectified the same. Further, he referred to the surprise inspection conducted on the petitioner school and the deficiencies noticed therein. It is submitted that since the petitioner has not rectified the deficiencies in spite of giving sufficient time and opportunity, in order to follow the norms of the Indian Nursing Council and Government Rules, the respondents could not include the name of the petitioner as eligible institution for admissions for the academic year 2022-23.*

*In rebuttal, the learned counsel for the petitioners had pointed out that the alleged surprise inspection is conducted behind the back of the petitioner and even the report has not been furnished to the petitioner. Therefore, it is in clear violation of the principles of natural justice. He further submitted that the petitioner should be given an opportunity and the case of the petitioner should be considered for admission for the coming academic year 2022-23.*

*Learned Government Pleader for Medical and Health appearing for respondents No.1 and 2 is also heard.*

*Having regard to the above facts and circumstances of the case, this Court finds that for not including the name of the petitioner in eligible institutions for admission, the reliance of the respondent No.3 is on the surprise inspection conducted on the petitioner and the deficiencies found therein. As seen from the counter, there is no date referred to as to when the surprise visit was conducted or whether it was conducted in the presence of the petitioner. When queried, the learned counsel for the respondents has also admitted that the copy of the report is not enclosed to the courtier affidavit.*

*In view of the same, this Court is of the opinion that the alleged surprise inspection has not been conducted in the presence of the petitioner and therefore, there is clear violation of the principles of natural justice and a report obtained behind the back of the petitioner cannot be the basis of a decision without confronting the petitioner with the same. Therefore, this Court deems it fit and proper to direct the respondents particularly respondent No.3 to conduct inspection afresh within a period of ten days from the date of receipt of a copy of this order with a notice to the petitioner and submit its report.*

*At this juncture, the learned counsel representing the respondents submitted that since the admission process has already been completed and the admissions can only be done through online portal by the respondent organization and dead line is already over, admissions for the academic year 2022-2023 cannot be permitted at this stage.*

**PERUSED THE RECORD :**

**8. Paras 12, 14, 15 and 16 of the Counter Affidavit filed by the 3<sup>rd</sup> respondent in December 2022 read as under :**

Para 12 : With reference to the allegations made in Para No.8 of affidavit, it is submitted as per the guidelines issued by the Indian Nursing Council, New Delhi vide F.No.1-6/2018-INC, dt. 20.04.2018 that every School should maintain the following physical infrastructure with regard to building of the institution.

i) Teaching block	20,000 sft.
ii) Hostel block	17,500 sft
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Total	37,500 sft.
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It is submitted that Petitioner's school is showing the plinth area of their building is 10,000 sft., only vide sale deed document No.2432/2005 registered in the office of Sub-Registrar, Golconda vide Annexure-1A attached to the said document. But Petitioner's School is paying property tax for their premises of building for 8,559 sft., only. It is submitted that Petitioner's School made a vague statement that 'two floors were under construction' but failed to file any scrap of paper to that factum of proof of construction is going on i.e., building permission for construction obtained from GHMC etc.

Paras 14 :

.....This is to submit that R-3 Council issued show cause notice on 07.06.2017, 17.09.2021, 16.04.2021, 11.08.2021 and 15.09.2022 to the Petitioner's School to make good of the deficiencies with regard to physical infrastructure and other facilities etc.

Para 14 (5)

This is to submit that inspite of giving sufficient time and opportunities to the Petitioner's School to make good of the deficiencies but failed to follow the norms prescribed by the Indian Nursing Council and Govt. Rules. Again show cause notice was issued to Petitioner's School to make good of the deficiencies pointed out by the Inspectors of R-3 Council.

Para 15 :It is submitted that in view of pandemic situation around the globe, all Schools were considered based on the documents submitted by them and

*allowed all the Schools for admission of students into GNM Course for that academic year 2021-22.*

*Para 16 : It is further submitted that the Petitioner has approached the Hon'ble High Court without exhausting remedies available under section 9 appeal provision, TSNMC Act, III of 1926.*

**9. The brief report of the Nightingale School of Nursing Re-Inspection on 19.01.2023 in pursuance to the interim orders of this Court dt. 11.01.2023 passed in W.P.No.43071/2022 reads as under :**

*The Inspection committee appointed by the TSNMC/GNM /3690/2022, dt. 18.01.2023 conducted Re-Inspection on 19.01.2023.*

*The committee physically inspected Nightingale School of Nursing located at 10-03-304/10/A, Humayunnagar, Masab Tank, Near NMDC, Hyderabad on 19.01.2023 from 10.30 am to 6 pm. The committee is herewith submitting the following important observations.*

- *Built up area of the teaching block is 11,246 sq. feet. As per Indian Nursing Council, it should be 20,000 sft., Principal submitted letter that 3<sup>rd</sup> and 4<sup>th</sup> floor is under construction, Inspectors observed the under construction area.*
- *Class rooms and laboratories available with furniture and equipment. But labs are not organized properly.*
- *Inspectors interacted with final year GNM and Students (14) available in the classroom. Principal informed 2<sup>nd</sup> year students in Pongal Vacation and 1<sup>st</sup> year admissions not yet taken.*

- *Inspectors physically verified original certificates of Principal and 10 tutors available on the day of inspection. 1:10 teacher student ratio maintained.*
- *Principal Mrs. Ch.Durga and one tutor Mrs. P. Roja Rani not registered in Telangana State Nursing Council. They have APNMC Registration, Instructed them to renew in Telangana Nursing Council.*
- *Inspectors found students are not staying (Hostel) in the School building. Principal informed temporarily Hostel facility is arranged in ZOI Hospital 3<sup>rd</sup> and 4<sup>th</sup> floor for students as school building is under construction. Students also informed they are staying ZOI Hospital accommodation.*
- *Nightingale School of Nursing has ZOI Hospital as affiliated Hospital with 3 branches at Ameerpet, Somajiguda and Attapur.*
- *Rural community experience permission letter (Narapally PHC) not submitted by School.*

### **DISCUSSION AND CONCLUSION :**

**10. Rule 8 of G.O.Ms.No.313, dt. 16.08.1997 which deals with policy on regulation of Grant of Permission to the Private Schools of Nursing reads as under :**

*Rule 8 : REQUIREMENT OF PHYSICAL FACILITIES : The physical facilities in terms of land, buildings, class-room facilities, laboratory facilities, requirement of personnel and equipment shall be as fixed by the Indian Nursing Council from time to time.*

**11. Para 12 of the counter affidavit filed by the Respondent No.3 extracted above clearly indicates that**

the Petitioner's School is showing the plinth area of their building as 10,000 Sft., as against 37,500 sft., to be maintained as stipulated as per the guidelines issued by the Indian Nursing Council, New Delhi vide F.No.1-6/2018-INC dt. 20.04.2018.

12. A bare perusal of the Re-Inspection report dt. 19.01.2023 clearly indicates as under :

*"Built up area of the teaching block is 11,246 sq. feet. As per Indian Nursing Council. It should be 20,000 sft., Principal submitted letter that 3<sup>rd</sup> and 4<sup>th</sup> floor is under construction, Inspector observed the under construction area".*

**13. This Court opines that the plea taken in the counter affidavit filed by the Respondent No.3 in December 2022 at para 12 that the Petitioner's School made a vague statement that two floors were under construction is totally incorrect because the latest re-inspection report dt.19.01.2023 acknowledges the fact of the area under construction by observing in the said report that the Principal submitted letter that the 3<sup>rd</sup> and 4<sup>th</sup> floor is under construction and the Inspectors observed the under construction area.**

14. This Court opines that paras 42 and 43 of the judgement relied upon by the Counsel for the 3<sup>rd</sup> Respondent in judgement dt. 13.12.2012 reported in (2013) 3 SCC 385 Parshvanath Charitable Trust & Others vs. All India Council for Technical Education and Others, has no relevance to the facts of the present case. It is true that the schedule pertaining to the admissions and the procedure there under strictly needs to be adhered to, but the present case is an exception in view of the simple fact that the Petitioner's Institution was established in the year 2000 by virtue of recognition accorded to it, by the Government vide G.O.Ms.No.44, dt.25.01.2000 and the Petitioner's Institution was functioning regularly since then and had continuous renewals till 2021. Though the resolution dt. 29.10.2014 vide F.No.1-5/2014-INC stipulates requirement for the Nursing programme of 20,000 sft., for the teaching block with annual admission capacity of 40 to 60 students and an hostel block of 17,500 sft., i.e., grand total of 37,500 sft., the Petitioner's Institution admittedly as borne on record

had a renewal of recognition in its favour even after the year 2014. Admittedly as borne on record the Petitioner's Institution since the year 2000 i.e., 25.01.2000 had renewal of recognition periodically once in 5 years till the year 2021, and the latest renewal was in process but however when the Petitioner's Institution was declined admissions unilaterally into General Nursing and Midwifery 3 years Course for the academic year 2022-23, the Petitioners were constrained to approach this Court by filing the present Writ Petition in November 2022.

15. This Court opines that the Petitioner's Institution is making all efforts as observed in the re-inspection report dt. 19.01.2023 to meet the norms of "Indian Nursing Council" and at this stage the Respondents cannot decline admissions into General Nursing and Midwifery 3 years course for the academic year 2022-23 to the Petitioners herein unilaterally, illegally against principles of natural justice when admittedly as borne on record the Petitioner's Institution had been functioning continuously from 25.01.2000. The case of

the Petitioner is clearly a case of renewal of permission/recognition and not a case of grant of permission or approval of recognition.

16. The permission accorded to the petitioner as per Rule 30 under Section 11(2)(b) of Andhra Pradesh Nurses and Midwives (Extension and Amendment) Act, 1964 to the petitioners vide G.O.Ms.No.44, dated 25.01.2000 had not been revoked as on date nor any steps having been initiated in this regard are evident on record. This Court opines that without issuing any notice to the Petitioner's Institution for withdrawal of permission granted in the year 2000 for the Petitioners, for establishment of Nightingale School of Nursing at Flat No.103, Srinivasa Apartments, Humayunnagar, Hyderabad – 28, which has been functioning continuously since the year 2000 there cannot be any unilateral denial of renewal in the year 2022 and the said exercise of power by the Respondents herein in the present case is manifestly arbitrary.

17. Taking into consideration all the above referred facts and circumstances and also the findings in the

latest Re-Inspection Report dt. 19.01.2023 filed into the Court in pursuance to the directions of this Court dt. 11.01.2023 passed in W.P.No. 43071 of 2022, the Writ Petition is allowed as prayed for and the Respondent No.2 is directed to permit admissions into the General Nursing and Midwifery Course for the academic year 2022-23 to the Petitioners by extending the time stipulated in Notification vide Rc.No.34792/N1/2022, dt. 01.10.2022 and 16.11.2022 in the Online Portal of Respondent No.2 and complete the process of Registration for Admissions for the Academic Year 2022-23 into General Nursing and Midwifery 3 years course to the Petitioner Institute i.e., Nightingale School of Nursing within a period of 2 weeks from the date of receipt of the copy of the order. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

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SUREPALLI NANDA, J

Date: 31.01.2023  
Note: L.R. copy to be marked  
b/o  
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