



2026:KER:11187

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 10TH DAY OF FEBRUARY 2026 / 21ST MAGHA, 1947

WP(C) NO. 24830 OF 2025

PETITIONER:

KARNATAKA STATE ASSOCIATION OF THE MANAGEMENT OF
NURSING & ALLIED HEALTH SCIENCE INSTITUTION
REPRESENTED BY ITS PRESIDENT,
K.VENKATAGIRI, AGED 48 YEARS,
O/A NO.07, OPPOSITE UNITY LIFELINE HOSPITAL,
1ST BLOCK, 2ND STAGE, NAGAR BHAVI,
BENGULURU, PIN - 560072.

BY ADVS.
SRI.RAJESH VIJAYAN
SMT.SIKHA S.NAIR
SMT.JUBAIRIYA T.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HEALTH,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM., PIN - 695001.
- 2 THE INDIAN NURSING COUNCIL
8TH FLOOR, NBCC CENTRE, PLOT NO.2,
COMMUNITY CENTRE, OKHLA PHASE-1,
NEW DELHI, REPRESENTED BY ITS PRESIDENT UNDER
INDIAN NURSING COUNCIL ACT, 1947, PIN - 110002.



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3 KERALA NURSES & MIDWIVES COUNCIL
REPRESENTED BY ITS REGISTRAR,
HAVING OFFICE AT FWXR+RJ4, REDCROSS ROAD,
JAI VIHAR, KUNNUKUZHI, THIRUVANANTHAPURAM.,
PIN - 695035.

4 UNION OF INDIA
REPRESENTED BY THE SECRETARY,
MINISTRY OF FINANCE,
DEPARTMENT OF EXPENDITURE,
ROOM NO.76, NEW DELHI, PIN - 110001.

* ADDL.5 MR.MUJABIR
S/O.MR.MUTHUKOYA.T.P.,
RESIDING AT THOTTOLI HOUSE,
KILTAN ISLAND P.O., UT OF LAKSHADWEEP
PIN - 682 558.

(ADDITIONAL 5TH RESPONDENT IS IMPEADED AS PER
ORDER DATED 07.10.2025 IN IA. NO.1/2025)

BY ADVS.
DR.ABRAHAM P.MEACHINKARA, STANDING COUNSEL
SRI.VIVEK MENON
SMT.MINI V.MENON, CGC
SRI.S.K.SAJU
SRI.N.RAGHURAJ (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 07.10.2025, THE COURT ON 10.02.2026
DELIVERED THE FOLLOWING:



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CR

N. NAGARESH, J.

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Dated this the 10th day of February, 2026

J U D G M E N T

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The Karnataka State Association of the Management of Nursing and Allied Health Science Institution is the petitioner. The petitioner states that several students, who completed B.Sc Nursing from the Nursing Colleges of Karnataka, are not being allowed to register as Nurses in the State of Kerala for the reason that Indian Nursing Council has not given recognition to the Institutions conducting B.Sc Nursing Courses in Karnataka, who are members of the petitioner-Association.



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2. The petitioner states that the Indian Nursing Council cannot insist that the Institutions are recognised by them. The Institutions are registered and recognised by the Karnataka State Nursing Council. Any Degree of Nursing granted by any College in the Country affiliated to respective State Nursing Council should be recognised.

3. The Apex Court has held in *Private Nursing Schools and Colleges Management Association v. The Indian Nursing Council and others* [Civil Appeal Nos.12759 – 12761 of 2017] that it is the State Government which has power to grant recognition. The Indian Nursing Council has no authority to grant recognition.

4. The Rajiv Gandhi University of Health Sciences, Karnataka has issued a clarification that the State Nursing Council cannot insist the grant of recognition by the Indian Nursing Council. The Kerala Nursing Council is still insisting for recognition of Indian Nursing Council. The petitioner therefore seeks to direct the 3rd respondent-Kerala



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Nurses and Midwives Council not to insist on the grant of recognition of the Institution under the petitioner-Association from the Indian Nursing Council for grant of reciprocal registration to the students of the Institutions run by the members of the petitioner-Association.

5. The 2nd respondent-Indian Nursing Council opposed the writ petition. The Indian Nursing Council has issued the Indian Nursing Council (Minimum Pre-requisite for granting suitability to Nursing Programs) Regulations, 2020. The Regulations, 2020 are binding on all concerned. As per the Regulations, the Indian Nursing Council can grant Suitability to Nursing Institutions.

6. Many State Nursing Councils insist that reciprocal registration would be allowed only in cases where the student has passed Nursing Course from an Institution which is found suitable by the Indian Nursing Council. Grant of Suitability by the Indian Nursing Council guarantees that the student passing out of such Educational Institutions are



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having the requisite standards of passing the Course.

7. The 3rd respondent-Kerala Nursing and Midwives Council also filed a counter affidavit. The Government of Kerala has issued Ext.R3(a) Guidelines dated 17.02.2012 to maintain the quality of education and standard of Nursing Institutions. As per Ext.R3(a), the Institution intending to start Nursing College has to obtain approval of the Indian Nursing Council and the approval of the Kerala University of Health Sciences. In the light of Ext.R3(a), the 3rd respondent, after due deliberations, has taken a policy decision to insist for Approval / Suitability Certificate of the Indian Nursing Council as a condition precedent to entertain the applications for registration submitted by the students who had secured nursing qualifications from those Institutions outside the State of Kerala.

8. Section 13 of the Indian Nursing Council Act, 1947 empowers the 2nd respondent to conduct inspection of any Institution recognised as a training institution for nursing.



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The Inspectors appointed by the 2nd respondent-Council has the power to inspect any Institution and to submit a report regarding the “suitability of the institution” for training, the adequacy of training and on the sufficiency of the examinations. Further, Section 14 of the Central Act empowers the 2nd respondent-Council to declare the qualifications granted by such Institution is valid only before a specific date. The 2nd respondent is competent to declare the suitability of a Nursing Institution.

9. Section 16 of the Central Act empowers the 2nd respondent-Council to make regulations to carry out the provisions of the Act. By virtue of the power conferred by Section 16 of the Central Act, the 2nd respondent-Council has made the Indian Nursing Council (Minimum Pre-requisites for Granting Suitability of Nursing Programmes) Regulations, 2020. The Regulations *inter alia* lays down the criteria for commencing nursing programme by any of the Institutions mentioned in Regulation 4 of the same. Regulation 4(v)



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confers authority on the 2nd respondent-Council to inspect such Institution to assess its suitability. The 2nd respondent is competent to issue Suitability Certificate to Institutions after due inspection. Suitability Certificate will be issued by the 2nd respondent-Council only if such Institution satisfies the criteria prescribed in the Regulations for starting/running a Nursing Institution. It is submitted that the 3rd respondent-Council insists for such Suitability Certificate to ensure that the Nursing Institutions from the other States possess the requisite facilities mentioned in the Regulations.

10. Apart from the Regulations referred to above, the 2nd respondent has also published detailed guidelines which envisages the approval of the 2nd respondent-Council as a pre-requisite for starting a nursing programme in any State. Considering the importance of nursing education in the country and abroad, the 3rd respondent-Council, in its wisdom, has resolved to insist that Nursing Institution of other States should have obtained



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Suitability Certificate from 2nd respondent-Council. There is nothing illegal or arbitrary in imposing such condition in public interest, to ensure the quality of the nurses practising in the State.

11. I have heard the learned counsel for the petitioner, the learned Government Pleader appearing for the 1st respondent, the learned Central Government Counsel representing the 4th respondent and the respective learned Standing Counsel appearing for respondents 2 and 3.

12. The question arising for consideration is whether the students of the petitioner who have completed B.Sc Nursing from the Nursing Colleges of Karnataka can be refused registration as Nurses in the State of Kerala by the State Nursing Council for want of recognition / Suitability Certificate to the Institutions where they have undergone B.Sc Nursing Courses in Karnataka.

13. The Indian Nursing Council Act, 1947 has been enacted by the Union Legislature to constitute an Indian



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Nursing Council in order to establish a uniform standard of training for Nurses, Midwives and Health Visitors. Section 10 of the Act empowers the Indian Nursing Council to declare as to which are the recognised qualifications for the purpose of the Act. Section 10 provides that the qualifications included in Part I of the Schedule shall be recognised qualifications and the qualifications included in Part II of the Schedule shall be recognised higher qualifications.

14. As per Section 11 of the Act, 1947, notwithstanding anything contained in any other law, any recognised qualification shall be a sufficient qualification for enrollment in any State Register. Section 12 empowers the Indian Nursing Council to require State authorities to furnish information required by the Indian Nursing Council as to the courses of study and training and examinations to be undergone by the students.

15. Section 13 empowers the Executive Committee of the Council to appoint Inspectors to inspect any



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Institution recognised as a training Institution and to attend examinations held for the purpose of granting any recognised qualification or recognised higher qualification. The duty of the Inspectors so appointed is to submit report to the Executive Committee on the suitability of the Institution for the purposes of training and on the adequacy of training therein or on the sufficiency of the examinations. The Executive Committee shall forward a copy of such report with remarks if any to the authority or Institution concerned, to the Central Government, to the State Government, and the State Council. The Indian Nursing Council has power to withdraw recognition granted to Institutions.

16. Section 16(1), which provides for power to make regulations, reads as follows:

16. Power to make regulations —

(1) The Council may make regulations not inconsistent with this Act generally to carry out the provisions of this Act, and in particular and without prejudice to the generality of the foregoing powers, such regulations may provide for—



(a) the management of the property of the Council and the maintenance and audit of its accounts;

(b) the manner in which elections referred to in sub-section (2) of section 5 and in clause (a) of sub-section (2) of section 8 shall be conducted;

(c) the summoning and holding of the meetings of the Council, the times and places at which such meetings shall be held, the conduct of business thereat and the number of members necessary to constitute a quorum;

(d) prescribing the functions of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held, and the number of members necessary to constitute a quorum;

(e) prescribing the powers and duties of the President and the Vice-President;

(f) prescribing the tenure of office and the powers and duties of the Secretary and other officers and servants of the Council;

(ff) prescribing the powers and duties of inspectors;

(g) prescribing the standard curricula for the training of nurses, midwives and health visitors, for training courses for teachers of nurses, midwives and health visitors, and for training in nursing administration;

(h) prescribing the conditions for admission to courses of training as aforesaid;

(i) prescribing the standards of examination and other requirements to be satisfied to secure for qualifications recognition under this Act;

(j) any other matter which is to be or may be prescribed under this Act.

17. The function of the Nursing Council is thus mainly concerned with the recognition of qualifications, for the



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purpose of enrollment in the State Register. The Act also enables the Central Council to derecognise any recognised qualification awarded by any authority in view of the provisions contained in Section 14. As far as Nursing Educational Institutions are concerned, the power of the Central Council in the light of Section 14(1)(b) read with subsection (3)(b), is limited to derecognising the qualifications obtained from such Institutions in other States.

18. As the Central Council has a duty to maintain the standards of nursing education, the Central Council may prescribe the physical and clinical facilities that may be provided in an Institution. The same is only for the purpose of deciding whether the training imparted in the Institution is up to the mark to enjoy the recognition for the qualification awarded pursuant to the training. However, recognition or approval of Institutions is essentially the functions of the State Nursing Council. As far as the Institutions from which the petitioners' students have obtained



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qualifications, no one has a case that those Institutions are not recognised by the Karnataka State Nursing Council.

19. Still, for the purpose of registration, the Kerala Nurses and Midwives Council is insisting for production of Suitability Certificate in respect of the Educational Institutions concerned from the Indian Nursing Council. The Kerala Nurses and Midwives Council is constituted and functioning under the Nurses and Midwives Act, 1953. The Act is intended for registration and training of Nurses, Midwives, Health Visitors and auxiliary Nurses/Midwives in the State of Kerala. Section 20 of the Act, 1953 provides for eligibility conditions for registration.

20. Section 20 of the Nurses and Midwives Act, 1953 reads as follows:

20. Eligibility for Registration -

- (1) Subject to the provisions of sub-sections
- (2) and (3) -
 - (i) every person who has undergone such course of training and passed such examination as may be prescribed by rules for the purpose of conferring a right of registration as a “nurse,



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midwife, auxiliary nurse-midwife or health visitor” under this Act; and

“(ii) every person who, within the period of one year or such other longer period as may be fixed by the Government, from the date of commencement of the Nurses and Midwives (Amendment) Act, 1964, proves that he had been in regular practice as a nurse or midwife, for a period of not less than three years preceding the first day of April, 1964, shall be eligible for registration under this Act:

Provided that no nurse or midwife shall be registered under clause (ii) after the expiration of one year or such other longer period as may be fixed by the Government from the date on which the Nurses and Midwives (Amendment) Act, 1964, comes into force.”

(2) Applicants for registration under clause (ii) of sub-section (1) shall produce a certificate in the form prescribed by rules. The certificate shall be from a registered practitioner or the Tahsildar of the Taluk.

(3) No person shall be eligible for registration under sub-section (1) if he is subject to any of the disqualifications mentioned in clauses (a) to (d) of Section 6.

21. Section 21 provides that an application for registration under Section 20 shall be in the prescribed form and shall be accompanied by the prescribed fee. Section 22 provides for admission of persons registered in any State in India, to the Register maintained by Kerala Nurses and



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Midwives Council. The Act, 1953 does not provide for production of Suitability Certificate from the Indian Nursing Council.

22. The Suitability Certificate demanded by the State Council is governed by the Indian Nursing Council (Revised Regulations and Curriculum for B.Sc (Nursing) Programme) Regulations, 2020 framed by the Indian Nursing Council. Regulation V of the Regulations, 2020 gives the guidelines regarding minimum pre-requisite for granting Suitability for B.Sc (Nursing) College of Nursing. Clause 5 of Regulation V provides as follows:

5. The Council shall after receipt of the above documents/proposal by online, would then conduct Statutory Inspection of the recognized training nursing institution under Section 13 of the Act in order to assess the suitability with regard to availability of Teaching faculty, Clinical and Infrastructural facilities in conformity with Regulations framed under the provisions of the Act.

23. Issuance of Suitability Certificate therefore is a consequence of statutory inspection conducted by the



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Indian Nursing Council, which is intended to assess the suitability with regard to availability of teaching faculty, clinical and infrastructural facility in conformity with the Regulations framed under the provisions of the Act. Once the Indian Nursing Council conducts statutory inspection and certifies Suitability in respect of an Institution and the qualifications/certificates issued by those Institutions are treated as recognised qualification and recognised higher qualification and is included in the Schedule to the Indian Nursing Council Act, 1947, the State Council will not be justified in insisting from the students Suitability Certificates in respect of Institutions functioning in other States, for registration as Nurses in the Kerala State.

24. Section 10 of the Indian Nursing Council Act, 1947 declares that the qualifications included in Part I of the Schedule shall be recognised qualifications and the qualifications included in Part II of the Schedule shall be recognised higher qualifications. The B.Sc Nursing



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qualification, which is a higher qualification issued by the Rajiv Gandhi University of Health Sciences, Bangalore, to which the Institutions concerned with the students of the petitioner are affiliated to, is included as serial No.39 in Part II of the Schedule to the Indian Nursing Council Act, 1947. Once the recognised qualifications are included in the Schedule to the Act, 1947, no authority can doubt the validity of such qualification, since Section 10 of the Act, 1947 mandates that such qualification / higher qualification shall be recognised.

25. A similar issue came up for consideration in W.P.No.28043/2024 of the Hon'ble High Court of Karnataka. The Hon'ble High Court of Karnataka held that once a citizen of India is qualified and has been conferred a Degree, that Degree would be valid across the country, which has to be recognised by every Institution. Any Nursing Council across the country will have to consider and act upon a Degree conferred in another State, on account of the education being



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completed in a College recognised by the Nursing Council of that State.

26. For all the afore reasons, I find that the action of the 3rd respondent-Kerala Nurses and Midwives Council insisting for recognition / Suitability Certificate of the Indian Nursing Council in respect of the Educational Institution where the students of the member-Institutions of the petitioner have undergone studies, is illegal and arbitrary. The 3rd respondent is directed to register the students, who completed Courses of Nursing from the Institutions run by the members of the petitioner-Association within Karnataka State and allow them to practice as Nurses, as long as their qualification is included in the Schedule to the Indian Nursing Council Act, 1947.

The writ petition is disposed of as above.

Sd/-

N. NAGARESH, JUDGE

aks/07.02.2026



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APPENDIX OF WP(C) NO. 24830 OF 2025

PETITIONER'S EXHIBITS

- Exhibit P1 TRUE COPY OF THE JUDGMENT IN CIVIL APPEAL NOS. 12759-12761 OF 2017 ARISING OUT OF S.L.P. (CIVIL) NOS. 23346-23348 OF 2017 DATED 11.09.2017 OF THE HON'BLE SUPREME COURT OF INDIA.
- Exhibit P2 TRUE COPY OF THE NEWS ITEM PUBLISHED BY THE DESHABHIMANI DAILY DATED 18.06.2025.
- Exhibit P3 TRUE COPY OF THE CLARIFICATION LETTER ISSUED BY THE RAJEEV GANDHI UNIVERSITY OF HEALTH SCIENCES, KARNATAKA DATED 09.04.2025.
- Exhibit P4 TRUE COPY OF THE PUBLIC NOTICE DATED 01.09.2020 ISSUED BY KARNATAKA STATE NURSING COUNCIL.
- Exhibit P5 TRUE COPY OF THE NOTIFICATION DT.13-05-2015 '[INDIAN NURSING COUNCIL (CONDUCT OF BUSINESS) REGULATIONS, 2009].
- Exhibit P6 TRUE COPY OF THE NOTIFICATION DT. 29-11-2017 F. NO. 11-1/2015-INC.
- Exhibit P7 TRUE COPY OF THE 'MODEL EDUCATION LOAN SCHEME FOR PURSUING HIGHER EDUCATION INDIA AND ABROAD' PUBLISHED BY THE INDIAN BANKS ASSOCIATION.
- Exhibit P8 TRUE COPY OF THE NURSES AND MIDWIVES ACT, 1953.

2ND RESPONDENT'S EXHIBITS

- Exhibit R2 (A) TRUE COPY OF INDIAN NURSING COUNCIL (MINIMUM PRE- REQUISITES FOR GRANTING SUITABILITY TO NURSING PROGRAMS) REGULATIONS 2020 DATED 12.03.2021
- Exhibit R2 (B) TRUE COPY OF JUDGEMENT DATED 02.09.2019 IN D.B. SPL.APPL. WRIT NO. 508/2018 OF HON'BLE HIGH COURT OF



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JUDICATURE FOR RAJASTHAN AT JODHPUR
Exhibit R2 (C) TRUE COPY OF JUDGEMENT DATED
08.06.2010 IN WA.NO. 796 OF 2010 OF
THIS HON'BLE HIGH COURT OF KERALA
Exhibit R2 (D) COPY OF THE OM DATED 05.02.2019

3RD RESPONDENT'S EXHIBITS

Exhibit R3[a] TRUE PHOTOCOPY OF G.O.(P)NO. 64/2012/H
AND FWD DATED 17.02.2012, ISSUED BY
THE PRINCIPAL SECRETARY TO GOVERNMENT
Exhibit R3[b][i] TRUE PHOTOCOPY OF THE SUITABLE
CERTIFICATE ISSUED BY THE 2ND
RESPONDENT COUNCIL TO THE GOVERNMENT
SCHOOL OF NURSING KOZHIKODE
DATED.1.7.2025
Exhibit R3[b][ii] TRUE PHOTOCOPY OF THE SUITABLE
CERTIFICATE ISSUED BY THE 2ND
RESPONDENT COUNCIL TO THE MOSC COLLEGE
OF NURSING KOLENCHERY DATED.1.7.2025
Exhibit R3(b)
(iii) TRUE COPY OF THE COMMUNICATION FILE.
NO.18-1064/2000-INC(87846) DATED
1.7.2025 ISSUED BY THE INDIAN NURSING
COUNCIL

5TH RESPONDENT'S ANNEXURES

Annexure R5(a) TRUE COPY OF THE APPLICATION DATED
27.01.2025 FILED BEFORE THE KERALA
NURSES AND MIDWIVES COUNCIL

RESPONDENT'S EXHIBITS

Exhibit R4[a] TRUE PHOTOCOPY OF THE EMAIL
DATED.28.2.2025 ISSUED BY THE DEPUTY
REGISTRAR OF THE 4TH RESPONDENT
COUNCIL TO THE APPLICANTS