

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 1080 of 2022

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

WP/20438/2021, WP/28337/2021, WP/28338/2021, WP/3165/2022, WP/5841/2022,
WP/8737/2022, WP/14935/2022, WP/16851/2022, WP/27046/2022, WP/8895/2023,
WP/15750/2023, WP/22164/2023, WP/26912/2023, RP/339/2024, WP/8210/2024,
WP/11703/2024, WP/15600/2024, WP/26962/2024, WP/27144/2024, WP/33221/2024,
WP/33227/2024, WP/33340/2024, WP/38776/2024, WP/38782/2024, WP/38783/2024,
WP/38785/2024

Dated : 12-12-2024

*Shri Alok Vagrecha - Advocate and Shri Vishal Baghel - Advocate for
the petitioner.*

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

Shri Mohan Sausarkar - Advocate of Indian Nursing Council.

Shri Sudhir Kumar Sharma - Advocate for the CBI.

I.A.No.19562/2024 has been filed on behalf of the petitioner for seeking appropriate direction. In the application, the petitioner has claimed that at-present one Smt Anita Chand is holding the post of Registrar of M.P.N.R.C., who used to be a member of inspection committee which had submitted a false report on 04.03.2022 and on the basis of said false report, one R.K.S. Nursing College, Bhopal was granted recognition, although was later-on cancelled. That inspection related to the session 2021-22 and finally on the basis of that inspection report, the Court placed the Registrar, MPNRC under suspension as the said report was found incorrect. Copies of the orders passed by the court and the report of inspection have been filed along with the application to point out that against some of the Inspectors,

who were part of the inspection team, departmental enquiry has been initiated and therefore it is not proper to posit Smt. Anita Chand to hold such an important post of Registrar, MPNRC because against the alleged irregularities for granting recognition to the Nursing Colleges, public interest litigation has been entertained and the High Court is monitoring the cases and therefore there is every possibility that Smt. Anita Chand would tamper the material evidence which can be used against the erring officers, who had committed illegality.

Similarly, I.A.No.23150/2024 has been filed for seeking a direction for removal of Dr. Jiten Chandra Shukla from the post of Chairman of MPNRC. It is alleged in the application that Dr. Jiten Chandra Shukla was holding the post of Director, MPNRC at the relevant point of time when several irregularities were committed by MPNRC in granting recognition to the Nursing Colleges and pointing out alleged irregularities and illegalities in the process of granting recognition, public interest litigation has been filed and after entertaining that petition, it was *prima facie* found that there was substance made in the petition, therefore, CBI was directed to conduct inspection of the nursing colleges to which recognition had been granted and in the said report of CBI, it was found that there were number of colleges which were not suitable because of non-fulfilling the requisite criterion, the recognition had been granted. The report was submitted by the CBI and the court has been monitoring the cases and enquiry is still continued incessantly.

After filing of these applications, this court directed the respondents to

submit their reply to these applications explaining as to why such persons have been placed on important posts of Registrar and Chairman, MPNRC and also orally instructed for their removal, but instead of doing so, the respondents have shown a copy of order dated 02.12.2024 issued by the Directorate Medical Education, wherein, a committee consisting of three members has been constituted to inspect and submit a report after analyzing the complaints made against Smt. Anita Chand and inspecting the Nursing Colleges.

However, we are not satisfied with the constitution of committee by the Director with the approval of Commissioner, Public Health & Medical Education.

Indeed, on the face of delicacy of the issue and noticing various irregularities committed earlier in granting recognition to the Nursing Colleges, we cannot allow such officers who were involved in the earlier process of granting recognition to hold such important posts inasmuch as there is every likelihood that such officers would, not only try to save their skin but also of other functionaries, try to tamper with the material. We despise such effort and find that it is nothing but an attempt to foil the endeavours made by the court for obviating the irregularities and illegalities in the process of granting recognition.

In view of the above, we direct the Principal Secretary of the Public Health and Medical Education to forthwith remove Smt. Anita Chand from the post of Registrar and Dr. Jiten Chandra Shukla from the post of Chairman of MPNRC and instead appoint some responsible officers, having

unblemished service career, in their place. The Chief Secretary is also directed to take cognizance in the matter and ensure compliance of the order of this court.

The office of Advocate General is directed to immediately communicate a copy of this order to the Principal Secretary, Public Health & Medical Education and to the Chief Secretary for compliance.

List these matters on 19.12.2024.

(SANJAY DWIVEDI)
JUDGE

(ACHAL KUMAR PALIWAL)
JUDGE

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