



CGHC010020132026



2026:CGHC:28802

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****Order Reserved on : 22.06.2026****Order Delivered on : 10.07.2026****WPC No. 215 of 2026**

Private Nursing College Association Of Chhattisgarh Through- The Founder Member Private Nursing College Association Of Chhattisgarh. Registered Under Society Registration Act 1973 Having Registered Office At Dr. Prafulla Gupta C/o Dr Ramlakhan Gupta, Agrasen Chowk, Durg (C.G.)

--- Petitioner**Versus**

- 1 - State of Chhattisgarh Through - The Secretary To The Govt. of Chhattisgarh Department of Medical Education Mahanadi Bhawan, Atal Nagar, PS- Rakhi, Raipur (C.G.)**
- 2 - The Commissioner Medical Education Swastha Bhawan, North Block, Sector-19, Nava Raipur, Atal Nagar, Raipur (C.G.)**
- 3 - The Director Medical Education Directorate of Medical Education Swastha Bhawan, North Block, Sector-19, Nava Raipur, Atal Nagar, Raipur (C.G.)**
- 4 - The Chairman Counselling Committee (Nursing Course) Directorate Of Medical Education Swastha Bhawan, North Block, Sector-19, Nava Raipur, Atal Nagar, Raipur (C.G.)**
- 5 - Indian Nursing Council Through- Registrar Indian Nursing Council 8th Floor, NBCC Centre, Plot No. 2 Community Centre, Okhla Phase-I New Delhi – 110020**

--- Respondents

WPC No. 512 of 2026

- 1** - Ku. Muskan Kaushik D/o Santosh Kaushik Aged About 19 Years R/o Semara Santoriyum Pendra Road Chhattisgarh
- 2** - Ku. Madhubala Ogre D/o Shri Vishanu Ogre Aged About 18 Years Singhanpuri Mungeli District- Mungeli (C.G.)
- 3** - Labhanshu S/o Shri Amichand Lahre Aged About 18 Years R/o Godadih Po- Godadih Bilaspur District- Bilaspur (C.G.)
- 4** - Ku. Usha Hansraj D/o Amarnath Hansraj, Aged About 19 Years R/o Naharpara, Ward 11 Sendari Bilaspur, District- Bilaspur (C.G.)
- 5** - Ku. Nisha Patel D/o Shri Radheshyam Patel, Aged About 19 Years R/o Ward No. 14, Berra, Dabhra Khurd District- Janjgir - Champa (C.G.)
- 6** - Ku. Indrani Verma D/o Shri Purushottam Verma, Aged About 19 Years R/o Village Mandlore Raipur District- Raipur (C.G.)
- 7** - Ku. Sanjana D/o Shri Suresh Kumar Aged About 20 Years R/o Ward -3 Sadakpara, Changori Bloda Bazar, (C.G.) District- Balodabazar- Bhatapara
- 8** - Ku. Tulsi Sannat D/o Devlal Sannat Aged About 19 Years R/o Kutipara Dagouri, Bilaspur District- Bilaspur (C.G.)
- 9** - Ku. Khushbu Sarpraj D/o Gajadhar Prasad Sarpraj Aged About 19 Years R/o Tildega, Ward No. 19, Darrapara Jashpur, District- Jashpur (C.G.)
- 10** - Ku. Chhaya Bhagat D/o Shri Santosh Bhagat Aged About 18 Years R/o Village Kesara, Jashpur District- Jashpur (C.G.)
- 11** - Ku. Nikita Kanwar D/o Shri Kailash Singh Aged About 20 Years R/o Village Churel Dipika District- Korba (C.G.)

---Petitioners**Versus**

- 1** - State of Chhattisgarh Through The Secretary, To The Govt. of Chhattisgarh Department of Medical Education Mahanadi Bhawan, Atal Nagar, P.S. Rakhi, Raipur (C.G.)
- 2** - The Commissioner Medical Education Swastha Bhawan, North Block Sector- 19, Nava Raipur Atal Nagar, Raipur (C.G.)

3 - The Director, Medical Education Directorate of Medical Education Swastha Bhawan, North Block Sector- 19, Nava Raipur Atal Nagar, Raipur (C.G.)

4 - The Chairman Counselling Committee (Nursing Course) Directorate Of Medical Education Swastha Bhawan, North Block Sector- 19, Nava Raipur Atal Nagar, Raipur (C.G.)

5 - Indian Nursing Council Through Registrar Indian Nursing Council 8th Floor, NBCC Centre Plot No. -2 Community Centre Okhla Phase - I New Delhi - 110020

--- Respondents

(Cause-title taken from Case Information System)

For Respective Petitioners	:	Mr. Anurag Dayal Shrivastava, Advocates
For State	:	Mr. Anand Dadariya, Deputy Advocate General
For Union of India	:	Mr. Ramakant Mishra, Deputy Solicitor General along with Mr. Rishabh Deo Singh, Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. Heard Mr. Anurag Dayal Shrivastava, learned counsel appearing for the respective petitioners. Also heard Mr. Anand Dadariya, learned Deputy Advocate General, appearing for the State as well as Mr. Ramakant Mishra, learned Deputy Solicitor General along with Mr. Rishabh Deo Singh, Advocate, appearing for the Union of India.
2. Since common questions of fact and law arise for consideration in both these writ petitions and the challenge in both matters is

directed against the same admission process and the action of the respondent authorities, they were heard analogously and are being disposed of by this common order.

3. By filing the present writ petitions under Article 226 of the Constitution of India, the petitioner in W.P.(C) No.215 of 2026, an Association of private nursing colleges imparting education in the State of Chhattisgarh, and the petitioners in W.P.(C) No.512 of 2026, who are students aspiring for admission to the B.Sc. (Nursing) course for the Academic Session 2025-2026, have called in question the legality, validity and propriety of the action of State authorities in prescribing 10th percentile as the minimum qualifying criterion in the entrance examination for admission to the B.Sc. (Nursing) course, despite the decision of respondent No.5–Indian Nursing Council relaxing the requirement of minimum qualifying percentile for filling the vacant seats.
4. According to the respective petitioners, the respondent authorities acted contrary to the directions issued by the Indian Nursing Council, the provisions of the Indian Nursing Council Act, 1947 (for short, 'Act, 1947') and the Chhattisgarh Nursing Admission Rules, 2019 (for short, 'Rules, 2019') by insisting upon a minimum qualifying percentile even after the Indian Nursing Council had relaxed such requirement.
5. In W.P.(C) No.215 of 2026, the petitioner has prayed for the following reliefs:-

"(i) To set aside the decision of Respondent 1 to 4 regarding prescribing of 10 percentile as minimum qualification for admission to course of B.Sc. (Nursing) for academic session 2025-2026.

(2) To direct the Respondent-1 to 4 to allow the admission to course of B.Sc (Nursing) strictly on the basis of merits of marks secured in the entrance examination without any rider of minimum qualifying marks.

(3) To direct the Respondent 1 to 4 to conduct the counseling for the admission to course of B.Sc (Nursing) on the basis of merits strictly in accordance with the provisions as prescribed under Admission Rules 2019.

(4) To direct the Respondent-5 to extend the date of admission suitably.

(5) Any other relief, which the Hon'ble Court considers proper, may kindly be awarded."

6. In W.P.(C) No.512 of 2026, the petitioners have prayed for the following reliefs:-

"(i) To set aside the decision of Respondent 1 to 4 regarding prescribing of 10 percentile as minimum qualification for admission to course of B.Sc (Nursing) for academic session 2025-2026.

(2) To direct the Respondent-1 to 4 to allow the admission to course of B.Sc (Nursing) strictly on the basis of merits of marks secured

in the entrance examination without any rider of minimum qualifying marks.

(3) Alternatively direct the Respondent 1 to 4 to provide relaxation in the qualifying marks to the reserved candidates (SC/ST/OBC) as has been provided by Indian Nursing Council and conduct the counseling for the admission to course of B.Sc (Nursing) on the existing vacant seats on the basis of merits by following the criteria as prescribed under Rule 4 (4) (a) and Rule 5 (6) of Admission Rules 2019.

(4) To direct the Respondent-5 to extend the date of admission suitably.

(5) Any other relief, which the Hon'ble Court considers proper, may kindly be awarded."

7. Brief facts of the cases, in a nutshell, are that, petitioner in W.P.(C) No.215 of 2026 is an Association of private nursing colleges registered under the Chhattisgarh Society Registrkaran Adhiniyam, 1973 (for short, 'Adhiniyam, 1973'), representing various private nursing institutions imparting nursing education in the State of Chhattisgarh. The petitioners in W.P.(C) No.512 of 2026 are candidates who appeared in the entrance examination conducted for admission to the B.Sc. (Nursing) course for the Academic Session 2025-2026 by the Professional Examination Board, Raipur. The admission process to the said course is governed by the Rules, 2019, framed by the State Government.

Rule 4 of the said Rules provides the eligibility criteria for admission and further stipulates that wherever the Indian Nursing Council or the State Nursing Council prescribes minimum qualifying standards for admission to any nursing course, such standards shall govern the admission process. Clause 16 of the Act, 1947 further mandates that the directions or criteria prescribed by the Central Government, the State Government, the Indian Nursing Council or the State Nursing Council shall be binding and applicable while conducting admissions.

8. It is the common case of the petitioners that the Indian Nursing Council, being the statutory body constituted under the Act, 1947, has prescribed the admission criteria for the B.Sc. (Nursing) course and has provided that admissions shall be made on the basis of merit obtained in the entrance examination. For the Academic Session 2025-2026, the Council prescribed the minimum qualifying percentile in the entrance examination as 50th percentile for General category candidates, 45th percentile for Persons with Disabilities belonging to the General category and 40th percentile for candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes. The State Government accordingly conducted the entrance examination through the Professional Examination Board and commenced the counselling process strictly in accordance with the aforesaid norms. Upon completion of the initial rounds of counselling, however, it was found that out of 7,811 sanctioned seats, as many

as 4,147 seats remained vacant, primarily because a large number of candidates had failed to secure the prescribed qualifying percentile in the entrance examination.

- 9.** Considering the alarming number of vacant seats and the practical difficulty in filling them, respondent No.3 addressed a communication dated 28.11.2025 to the Indian Nursing Council requesting relaxation of the requirement relating to minimum qualifying percentile in the entrance examination. In the said communication, it was specifically pointed out that owing to the socio-economic and educational conditions prevailing in the State, particularly in the tribal regions, a substantial number of otherwise eligible students were unable to secure the prescribed percentile, resulting in a large number of seats remaining vacant despite the availability of willing candidates. Accepting the said request, the Indian Nursing Council, by its communication dated 29.12.2025, permitted the State Government to undertake a further round of counselling by relaxing the requirement of minimum qualifying percentile in the entrance examination so that the remaining vacant seats could be filled.
- 10.** The controversy giving rise to the present petitions arose thereafter. According to the petitioners, although the Indian Nursing Council had relaxed the requirement of minimum qualifying percentile, respondent No.2, instead of completely dispensing with such requirement, issued a communication dated

29.12.2025 prescribing 10th percentile as the minimum qualifying benchmark for participation in the fresh counselling. Consequential notices were issued inviting fresh applications, and an additional round of counselling was conducted on the basis of the newly prescribed 10th percentile criterion. The petitioners contend that respondent No.2 had no authority in law to prescribe any fresh qualifying percentile once the Indian Nursing Council had relaxed the requirement itself and had permitted admissions against the vacant seats without insisting upon the earlier qualifying benchmark.

- 11.** The petitioner Association contends that the action of respondent Nos.1 to 4 is wholly without jurisdiction, contrary to Rule 4 of the Rules, 2019 and Clause 16 of the Act, 1947 and inconsistent with the statutory powers exercised by the Indian Nursing Council under the Indian Nursing Council Act, 1947. It is pleaded that once the field relating to prescription of admission standards is occupied by the Central legislation and the directions issued by the Indian Nursing Council thereunder, the State authorities could not have independently introduced a new qualifying standard of 10th percentile. According to the petitioner Association, despite the relaxation granted by the Indian Nursing Council, more than 2,000 seats still remained vacant because of the insistence on the 10th percentile criterion, resulting in wastage of educational infrastructure, financial resources and teaching capacity available in the private nursing institutions, while at the same time depriving

eligible candidates of admission.

- 12.** The petitioners in W.P.(C) No.512 of 2026, apart from adopting the aforesaid challenge, have additionally pleaded that they belong to the Scheduled Castes, Scheduled Tribes and Other Backward Classes and that under Rule 4(4)(a), Rule 5(6) and Rule 8(2) of the Rules, 2019, they are entitled to the benefit of reservation and relaxation in the qualifying standards applicable to reserved category candidates. It is their specific case that while respondent No.2 uniformly prescribed 10th percentile for all categories, it failed to extend the corresponding relaxation and reservation benefits available to reserved category candidates under the Admission Rules and the Regulations framed by the Indian Nursing Council. According to them, the impugned action not only defeats the very object of the relaxation granted by the Indian Nursing Council but also has the effect of diluting the statutory reservation policy by placing reserved category candidates at par with candidates belonging to the unreserved category. It is further contended that even after the additional counselling based upon the 10th percentile criterion, a large number of seats continued to remain vacant, thereby demonstrating that the impugned decision failed to achieve the very purpose for which relaxation had been sought by the State Government.
- 13.** Aggrieved by the prescription of the 10th percentile qualifying benchmark and the consequential admission process conducted

on that basis, the petitioners in both writ petitions have approached this Court seeking the reliefs noticed hereinabove.

14. Mr. Anurag Dayal Shrivastava, learned counsel appearing for the respective petitioners in both the writ petitions, would submit that the controversy involved in the present batch of petitions lies in a narrow compass. According to him, the entire challenge revolves around the legality and competence of the respondent-State authorities in prescribing 10th percentile as the minimum qualifying criterion for admission to the B.Sc. (Nursing) course for the Academic Session 2025-2026 after the Indian Nursing Council had consciously relaxed the requirement of obtaining the minimum qualifying percentile in the entrance examination. It is argued that the Indian Nursing Council, being a statutory body constituted under the provisions of the Act, 1947, is the sole authority empowered to prescribe the standards of nursing education, eligibility criteria and admission norms throughout the country. Once the competent statutory authority exercised its jurisdiction and permitted admission by relaxing the condition relating to minimum qualifying percentile in order to fill the large number of vacant seats, the State Government had absolutely no authority, competence or jurisdiction to substitute the decision of the Indian Nursing Council by introducing a fresh benchmark of 10th percentile through an executive instruction. Such an action, according to learned counsel, is wholly arbitrary, dehors the statutory framework and amounts to rewriting the directions

issued by the apex regulatory body governing nursing education.

- 15.** It is further submitted by Mr. Shrivsatava that the Indian Nursing Council, while prescribing the eligibility criteria for admission to the B.Sc. (Nursing) Course, has consciously extended relaxation to candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes at both stages of eligibility, namely, the educational qualification as well as the entrance examination. Insofar as the educational qualification is concerned, a candidate belonging to the General Category is required to secure 45% aggregate marks in Physics, Chemistry and Biology in the Higher Secondary (10+2) Examination, whereas candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes are entitled to a 5% relaxation, thereby requiring only 40% aggregate marks in the aforesaid subjects. Likewise, the Indian Nursing Council has also provided relaxation in the minimum qualifying percentile in the Common Entrance Test by prescribing 50th percentile for General Category candidates, 45th percentile for General-PWD candidates and 40th percentile for candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes. The aforesaid criteria prescribed by the Indian Nursing Council have been adopted by the State Government itself under Rule 4(4) of the Rules, 2019, thereby making the same applicable for admissions within the State. He would further submit that the respondent-State initially acted strictly in accordance with the aforesaid

statutory scheme. The Common Entrance Test for admission to the B.Sc. (Nursing) Course for the Academic Session 2025-2026 was conducted by the Professional Examination Board under the norms and eligibility criteria prescribed by the Indian Nursing Council. Thereafter, the merit list was prepared and the counselling process commenced vide notice dated 07.10.2025, wherein admissions were granted strictly on the basis of the minimum qualifying percentile prescribed by the Indian Nursing Council, i.e., 50th percentile for General Category candidates, 45th percentile for General-PWD candidates and 40th percentile for candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes. It is submitted that the entire initial admission process was thus conducted by faithfully implementing the norms prescribed by the Indian Nursing Council, thereby acknowledging that the authority to prescribe the qualifying standards vested exclusively with the Indian Nursing Council. According to learned counsel, once the respondent-State accepted and implemented the standards prescribed by the Indian Nursing Council at the initial stage, it was not open to it, after the Indian Nursing Council had subsequently relaxed the qualifying percentile, to unilaterally prescribe a fresh qualifying benchmark of 10th percentile, which finds no mention either in the communication issued by the Indian Nursing Council.

- 16.** Mr. Shrivastava would further submit that the admission to the B.Sc. (Nursing) course in the State of Chhattisgarh is governed by

the Rules, 2019, which themselves incorporate the standards prescribed by the Indian Nursing Council. Inviting attention to Rule 4(4) of the Rules, 2019, it is contended that wherever the Indian Nursing Council or the State Nursing Council prescribes minimum qualifying marks or eligibility criteria for any nursing course, the very same standards are mandatorily required to be followed while granting admission. Similarly, Clause 16 of the Act, 1947 specifically provides that the criteria and directions issued by the Central Government, the State Government, the Indian Nursing Council or the State Nursing Council shall govern the admission process. It is submitted that these provisions unmistakably recognize the primacy of the standards prescribed by the Indian Nursing Council. Therefore, once the Indian Nursing Council relaxed the requirement of securing the prescribed percentile in the entrance examination, the respondent authorities could not have introduced a different qualifying benchmark by executive fiat without there being any amendment in the statutory Admission Rules. It is argued that executive instructions cannot override statutory rules, much less nullify a decision taken by the statutory regulator acting under the Central enactment.

17. Mr. Shrivastava would next contend that the State Government itself had acknowledged the impracticability of continuing with the earlier qualifying standards. Referring to the communication dated 28.11.2025, it is submitted that respondent No.3 categorically informed the Indian Nursing Council that after completion of the

regular rounds of counselling, 4,147 seats out of 7,811 sanctioned seats remained vacant only because a large number of candidates could not secure the prescribed qualifying percentile in the entrance examination. The request made by the State was not for reduction of the qualifying percentile from 50 to 10, but for complete relaxation of the requirement of minimum qualifying percentile so that the vacant seats could be filled. The Indian Nursing Council, after considering the said request, accepted the same and permitted the State to undertake further admissions by relaxing the condition relating to minimum qualifying percentile. However, contrary to the very request made by the State and in complete departure from the permission granted by the Indian Nursing Council, respondent No.2, instead of removing the qualifying benchmark altogether, arbitrarily prescribed 10th percentile as the minimum eligibility condition. According to Mr. Shrivastava, the said action is self-contradictory, irrational and contrary even to the stand earlier adopted by the State Government itself. Significantly, despite introducing the 10th percentile criterion, more than 2,000 seats still remained vacant, thereby frustrating the very object behind seeking relaxation from the Indian Nursing Council and resulting in enormous wastage of educational infrastructure and public resources.

18. It is contended by Mr. Shrivastava that the impugned action is liable to be interfered with on the ground that it violates the constitutional and statutory rights of candidates belonging to the

reserved categories. It is argued that the Regulations framed by the Indian Nursing Council as well as the provisions contained in Rule 4(4)(a), Rule 5(6) and Rule 8(2) of the Rules, 2019 recognize relaxation and reservation in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes. The petitioners in W.P.(C) No.512 of 2026 belong to the reserved categories and were entitled to the benefit of such relaxation. However, while prescribing the minimum qualifying benchmark of 10th percentile, the respondent authorities applied the same uniformly to candidates belonging to all categories without extending the statutory benefit available to reserved category candidates. Such action, according to learned counsel, completely defeats the object of reservation, obliterates the distinction recognized under the statutory Rules and the Regulations of the Indian Nursing Council, and has the effect of taking away the valuable rights conferred upon candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes. It is, therefore, submitted that the impugned action is not only contrary to the Rules, 2019 but is also violative of the constitutional mandate relating to equality and protective discrimination.

19. Mr. Shrivastava would also submit that the field relating to prescription of educational standards and admission criteria for nursing courses is fully occupied by the Central legislation, namely the Act, 1947, and the Regulations framed thereunder. Consequently, the State Government lacks legislative as well as

executive competence to prescribe any standard inconsistent with the standards laid down by the Indian Nursing Council. Placing reliance upon the decision of the Hon'ble Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh, (2013) 2 SCC 617***, learned counsel would submit that where the field is occupied by a Central enactment, the State cannot issue directions which are inconsistent with or repugnant to the law framed by the competent Central authority. According to him, after the Indian Nursing Council had consciously removed the requirement of minimum qualifying percentile, the respondent authorities could not have reintroduced the same in another form by prescribing a minimum benchmark of 10th percentile, as such action directly conflicts with the decision of the statutory regulator and is therefore liable to be declared illegal, arbitrary and without jurisdiction.

20. Lastly, Mr. Shrivastava would submit that the objection of the respondents regarding expiry of the cut-off date for admission is wholly untenable in the facts of the present case. He would contend that the petitioners approached this Court without any delay and the denial of admission is solely attributable to the illegal action of the respondent authorities in prescribing a qualifying criterion which had never been authorized by the Indian Nursing Council. Placing reliance upon the judgment of the Hon'ble Supreme Court in ***Asha v. Pt. B.D. Sharma University of Health Sciences and others, AIR 2012 SC 3396***, as also the

decision rendered by this Court in ***Shreya Choubey and others v. Union of India and others (W.P.(C) No.1020 of 2019 decided on 07.05.2019***), learned counsel would submit that where denial of admission is the result of arbitrary or illegal action of the authorities and no fault can be attributed to the candidates, the constitutional courts are fully empowered to mould the relief, extend the admission schedule and direct fresh counselling in order to do complete justice. It is, therefore, urged that the impugned communications prescribing the minimum qualifying benchmark of 10th percentile deserve to be quashed, and the respondents be directed to conduct a fresh round of counselling against the vacant seats strictly in accordance with the directions issued by the Indian Nursing Council, the provisions of the Act, 1947 and Rules, 2019, without insisting upon any unauthorized qualifying percentile.

21. On the other hand, Mr. Anand Dadariya, learned Deputy Advocate General appearing for the State, while vehemently opposing the submissions advanced on behalf of the respective petitioners, would submit that both the writ petitions are wholly misconceived, devoid of any legal merit and deserve to be dismissed at the threshold. According to him, the entire edifice of the petitioners' case proceeds on an erroneous interpretation of the communication issued by the Indian Nursing Council dated 29.12.2025. It is contended that the petitioners have attempted to read into the said communication something which was never

intended by the Indian Nursing Council. The expression employed by the Indian Nursing Council, namely, "relaxing the percentile criteria", cannot be construed to mean complete abolition or total dispensing with the requirement of qualifying in the Common Entrance Test. The communication merely permitted the State Government to relax the minimum qualifying percentile so as to facilitate filling up of the remaining vacant seats. It neither prohibited the State Government from prescribing a reasonable qualifying benchmark nor mandated that admissions should be granted irrespective of the marks secured by the candidates in the entrance examination. According to the learned Deputy Advocate General, the decision of the respondent authorities in prescribing 10th percentile as the minimum qualifying benchmark was a reasonable administrative decision taken in exercise of the powers conferred under the statutory Admission Rules and, therefore, cannot be said to be arbitrary, irrational or dehors the statutory framework.

- 22.** Mr. Dadariya would further submit that the admission process for the B.Sc. (Nursing) Course is governed by the Rules, 2019, which contemplate multiple stages of counselling and also provide a mechanism for filling up the seats which remain vacant after completion of the regular counselling process. Inviting the attention of this Court to Rule 9(4) of the Rules, 2019, it is contended that where seats continue to remain vacant after the registered candidates have participated in the counselling

process, the Director is specifically empowered to permit fresh registrations in accordance with the Rules. The said provision also provides that by the stage of such fresh registration, the reserved seats stand converted in accordance with the reservation policy and all the remaining seats become unreserved. Therefore, the decision to invite fresh applications and to undertake another round of counselling after completion of the regular counselling process was strictly in consonance with the statutory Rules governing admissions and cannot be faulted. It is submitted that every step undertaken by the respondent authorities, including issuance of fresh registration notice, preparation of revised merit list and completion of counselling, was carried out under the statutory scheme and within the extended timeline granted by the Indian Nursing Council.

- 23.** Elaborating his submissions further, Mr. Dadariya would contend that the petitioners have deliberately ignored the factual background which necessitated the impugned decision. It is submitted that after completion of the regular counselling, mop-up round and stray vacancy round, a substantial number of seats still remained vacant. In those circumstances, the Director, Medical Education addressed a communication to the Indian Nursing Council requesting relaxation of the qualifying percentile requirement. The Indian Nursing Council, while responding to the said request, merely conveyed that it had "no objection" to filling up the vacant seats by granting admission to candidates who had

appeared in the Common Entrance Test by relaxing the percentage criteria. According to learned counsel, the communication nowhere directs the State Government to dispense with the qualifying percentile altogether. On the contrary, the communication expressly refers to "candidates appearing in the Common Entrance Test, 2025", thereby making it abundantly clear that participation in the entrance examination and maintenance of a qualifying standard remained an essential requirement. Had the intention of the Indian Nursing Council been to completely abolish the qualifying benchmark, there was no occasion to refer to candidates who had appeared in the entrance examination. It is, therefore, submitted that the interpretation sought to be placed by the petitioners would render substantial portions of the communication otiose and is contrary to settled principles of interpretation. The respondent authorities, therefore, acted within the four corners of the permission granted by the Indian Nursing Council by prescribing a substantially relaxed benchmark of 10th percentile, thereby balancing the need to fill the vacant seats without completely sacrificing academic standards.

- 24.** Mr. Dadariya would further submit that there is absolutely no conflict between the action of the State Government and the provisions of the Act, 1947 or the Rules, 2019. According to him, the State has neither altered the eligibility criteria prescribed by the Indian Nursing Council nor substituted the entrance

examination by any other mode of selection. Every candidate who was granted admission under the impugned process had necessarily appeared in the Common Entrance Test conducted by the competent authority. The respondent authorities merely reduced the qualifying percentile from the originally prescribed standard to 10th percentile in order to give effect to the relaxation granted by the Indian Nursing Council. It is argued that prescription of a minimum benchmark, even after relaxation, is a matter of administrative discretion intended to preserve minimum academic standards and cannot be termed arbitrary merely because the petitioners seek complete removal of such requirement. Learned counsel would also submit that the petitioners' interpretation would virtually result in admission of candidates irrespective of their performance in the entrance examination, which would seriously compromise the standards of professional nursing education and defeat the very object behind holding a competitive entrance examination.

- 25.** It is contended by Mr. Dadariya that the challenge laid by the petitioners suffers from a fundamental defect of maintainability. According to him, the petitioners have questioned the decision of the respondent authorities in a general manner without challenging the actual operative orders by which the admission process was implemented. It is pointed out that the communication dated 29.12.2025 permitting admissions to candidates securing 10th percentile or above, the fresh

registration notice dated 29.12.2025, as well as the consequential merit list and admission notice dated 30.12.2025, constitute the operative decisions governing the entire admission process. In the absence of any challenge to these consequential orders, no effective relief can be granted by this Court. The writ petitions, therefore, are liable to be dismissed on the ground of maintainability alone.

- 26.** Mr. Dadariya would next contend that the relief sought by the petitioners has, in any case, become incapable of being granted in view of the expiry of the statutory cut-off date prescribed by the Indian Nursing Council. Referring to Notification No.23 of 2025 dated 24.12.2025, it is submitted that the Indian Nursing Council extended the last date of admission for all nursing courses till 31.12.2025, while categorically stipulating that no further extension shall be granted and that no admissions shall be undertaken after the said cut-off date. It is argued that the schedule fixed by the statutory regulator has binding force and is required to be adhered to uniformly throughout the country. Once the final date prescribed by the Indian Nursing Council has expired, this Court ought not to issue any direction which would have the effect of reopening the admission process or extending the admission schedule contrary to the statutory mandate. According to him, acceptance of the petitioners' prayer would not only unsettle the completed admission process but would also adversely affect the academic calendar and discipline required to

be maintained in professional educational institutions.

27. In continuation of his submissions, learned Deputy Advocate General would place reliance upon the judgment of the Hon'ble Supreme Court in ***St. Stephen's Hospital College of Nursing v. Union of India (SLP (C) No.10571 of 2022)*** to contend that the law is well settled that the time schedule prescribed for admissions in professional educational institutions is mandatory and has to be adhered to with utmost strictness. The Apex Court has consistently held that the admission process cannot be permitted to continue indefinitely and that any deviation from the prescribed academic schedule adversely affects the standard of education and the academic session itself. It is submitted that the Hon'ble Supreme Court has categorically observed that the High Courts should ordinarily refrain from issuing directions for conducting additional counselling or mop-up rounds after expiry of the prescribed admission schedule merely because certain seats remain vacant. According to learned counsel, the present case does not warrant any departure from the settled legal position. Since the respondent authorities acted strictly within the statutory framework, after exhaustion of all permissible rounds of counselling and within the period extended by the Indian Nursing Council, no interference under Article 226 of the Constitution of India is called for. He, therefore, prays that both the writ petitions, being devoid of substance, deserve to be dismissed.

- 28.** Mr. Ramakant Mishra, learned Deputy Solicitor General along with Mr. Rishabh Deo Singh, learned counsel appearing for the Union of India/Indian Nursing Council, while supporting the stand taken by the State respondents, would submit that the Indian Nursing Council had merely granted a one-time relaxation to facilitate filling up of the vacant B.Sc. (Nursing) seats within the extended admission schedule and that the said communication cannot be construed as dispensing with the entrance examination or completely abolishing the requirement of maintaining minimum academic standards. It is further submitted that the last date for admission, as extended by the Indian Nursing Council up to 31.12.2025, has long since expired and no further extension is permissible. He would, therefore, submit that no interference is warranted in exercise of the writ jurisdiction and both the writ petitions deserve to be dismissed.
- 29.** I have heard learned counsel appearing for the respective parties at considerable length and carefully perused the pleadings, the documents brought on record and the relevant statutory provisions governing the controversy involved in the present writ petitions.
- 30.** Before proceeding further to adjudicate the rival submissions advanced by the learned counsel appearing for the respective parties, this Court deems it appropriate to reproduce the relevant statutory provision governing the controversy involved in the

present writ petitions. Rule 4(4) of the Chhattisgarh Nursing Admission Rules, 2019, being the pivot around which the entire controversy revolves, reads as under:-

"4. पात्रता

xxxx

(चार) नर्सिंग पाठ्यक्रमों में प्रवेश हेतु न्यूनतम शैक्षणिक अर्हतायें:-

"जिन पाठ्यक्रमों के लिए भारतीय उपचर्या परिषद, नई दिल्ली / राज्य उपचर्या परिषद द्वारा निम्नलिखित न्यूनतम अर्हकारी अंक निर्धारित होंगे, उन पाठ्यक्रमों के लिए वे निर्देश लागू होंगे।"

31. A careful, meaningful and purposive reading of the aforesaid statutory provision leaves no room for any ambiguity. The legislative intent underlying Rule 4(4) of the Rules, 2019 is explicit and unambiguous. The Rule itself incorporates by reference the standards, eligibility criteria and minimum qualifying marks prescribed by the Indian Nursing Council as the governing norms for admission to nursing courses within the State. The Rule does not confer any independent authority upon the State Government, the Commissioner, Medical Education or any other State functionary to alter, modify, substitute or dilute the criteria prescribed by the Indian Nursing Council. On the contrary, the Rule mandates that once the Indian Nursing Council prescribes any minimum qualifying standard or subsequently modifies or relaxes the same, the said prescription becomes automatically

applicable while regulating admissions in the State. The Rule thus creates a statutory obligation upon the respondent authorities to faithfully implement the norms prescribed by the Indian Nursing Council without either adding to or subtracting from them.

- 32.** It deserves to be noticed that the Indian Nursing Council has been constituted under the provisions of the Act, 1947, a Central enactment enacted by Parliament with the avowed object of maintaining uniform standards of nursing education throughout the country. The Act confers upon the Indian Nursing Council the exclusive statutory responsibility to prescribe standards of education, qualifications for admission, eligibility criteria, curriculum and other academic requirements relating to nursing education. The object behind vesting such power in a Central statutory authority is obvious. Professional education, particularly in the field of medicine and nursing, necessarily requires maintenance of uniform standards across the country. If individual States are permitted to prescribe varying standards or alter the eligibility criteria prescribed by the apex statutory regulator, it would inevitably result in inconsistency, uncertainty and erosion of academic standards. It is for this reason that the State Rules themselves consciously recognize the supremacy of the standards prescribed by the Indian Nursing Council.
- 33.** In the considered opinion of this Court, Rule 4(4) of the Rules, 2019 has to be construed harmoniously with the Clause 16 of the

Act, 1947, which fortifies the legislative intent by providing that the criteria and directions issued by the Central Government, the State Government, the Indian Nursing Council or the State Nursing Council shall govern admissions. However, insofar as prescription of educational standards and qualifying criteria is concerned, the field is undeniably occupied by the Indian Nursing Council acting under the Central legislation. Consequently, whenever the Indian Nursing Council prescribes, modifies or relaxes the qualifying standards, the respondent-State is under a statutory obligation to faithfully implement such directions. It cannot selectively adopt one part of the direction and simultaneously substitute another part by introducing a condition of its own.

- 34.** In ***Maa Vaishno Devi Mahila Mahavidyalaya*** (supra), the Hon'ble Supreme Court, while considering the interplay between the powers of the statutory regulatory body constituted under the Central enactment and the authority of the State Government in matters relating to prescription of admission norms and educational standards, has held as under:-

“66.... of course, there has to be direct conflict between the laws. The direct conflict is not necessarily to be the obedience of resulting disobedience of the other but even where the result of one would be in conflict with the other. It is difficult to state any one principle that would uniformly be applicable to all cases

of repugnancy. It will have to be seen in the facts of each case while keeping in mind the laws which are in conflict with each other. Where the field is occupied by the Centre, subject to the exceptions stated in Article 254, the State law would be void.”

- 35.** Similarly, in **Asha** (supra), the Hon'ble Supreme Court, while considering the issue of grant of admission after expiry of the prescribed cut-off date and the power of the Constitutional Courts to mould the relief in exceptional circumstances where the candidate is not at fault, has held as under:-

“31. There is no doubt that 30th September is the cut of The authorities can not grant admission beyond the cut of date which is specifically postulated. But no fault is attributable to a candidate and she is denied admission for arbitrary reasons, should the cut-off date be permitted to operate as bar to admission to such students particularly when it would result in complete ruining of the professional career of meritorious we have candidates, is the question we have to answer

..... Though there can be rare cases or exceptional circumstances where the courts may have to mould the relief and make exception to the cut-off date of 30th September, but in those cases, the Cout must first return a finding that no fault is attributable to the candidate, the candidate has pursued

her rights and legal remedies expeditiously without any delay and that there is fault on the part of the authorities and apparent breach of some rules, regulations and principles in the process of selection and grant of admission. Where denial of admission violates the right to equality and equal treatment of the candidates, it would be completely unjust and unfair to deny such exceptional relief to the candidates.....”

- 36.** The Co-ordinate Bench of this Court, while dealing with an identical issue relating to admission in professional medical courses in ***Shreya Choubey*** (supra) after noticing that the petitioners were not responsible for the delay in completion of the admission process and that the delay had occasioned on account of repeated adjournments sought by the respondents for filing their replies, held that the petitioners ought not to be deprived of admission solely because the prescribed cut-off date had expired during the pendency of the writ proceedings. The Co-ordinate Bench, placing reliance upon the principles enunciated by the Hon'ble Supreme Court, directed the respondent authorities to complete the admission process strictly on the basis of merit within the time stipulated by the Court and further directed the concerned colleges to conduct extra classes for the students admitted pursuant to the Court's order so that the minimum academic requirements and attendance prescribed under the Regulations could be duly fulfilled. The underlying principle laid

down by the Co-ordinate Bench is that where the delay in finalization of the admission process is not attributable to the candidates but has occurred on account of pendency of the litigation or the conduct of the authorities themselves, the students should not be made to suffer for no fault of theirs and the Constitutional Court, in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, is competent to mould the relief in such a manner that substantial justice is done while simultaneously safeguarding the academic standards by directing the institutions concerned to hold extra classes and ensure compliance with the prescribed curriculum. Relevant part of paragraph-19 of the said order reads as follows :-

“19.The perusal of the order-sheets of this Court show that on each occasion the time was sought by the Union and State counsel to file reply, as such the delay cannot be attributed to the petitioners, therefore, it appears that there is no deliberate delay has been caused at the behest of the petitioners. At this juncture this Court can again be guided by the persuasive value of principle laid down by the Supreme Court in the Association of Managements of Homeopathic Medical Colleges of Maharashtra (supra) and direct the respondents to complete the process of admission strictly on the basis of merit by 25th of May, 2019 to the 1st Year of BAMS & BHMS. The managements of the colleges are directed to hold extra classes for

students who will be admitted pursuant to this order to comply with the requirements of minimum working days.”

37. Reverting to the facts of the present batch of writ petitions in the light of the aforesaid statutory provisions and the judicial precedents rendered by the Hon'ble Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya*** (supra) and ***Asha*** (supra), as also the decision of the Co-ordinate Bench of this Court in ***Shreya Choubey*** (supra), this Court is of the considered opinion that the action of respondent Nos.1 to 4 in prescribing 10th percentile as the minimum qualifying criterion for admission to the B.Sc. (Nursing) Course for the Academic Session 2025-2026 cannot be sustained in the eye of law. Once the Indian Nursing Council, in exercise of its statutory powers under the Act, 1947, consciously relaxed the requirement of minimum qualifying percentile with a view to ensure that the large number of vacant seats in the nursing colleges of the State are duly filled, the respondent-State, being merely an implementing authority, had no jurisdiction or competence to introduce a fresh qualifying benchmark of 10th percentile, which neither finds mention in nor flows from the communication issued by the Indian Nursing Council.
38. Such an action is clearly dehors the provisions of Rule 4(4) read with Clause 16 of the Act, 1947 and is also contrary to the scheme of the Central enactment governing the field. The respondent

authorities, by prescribing an independent qualifying percentile, have virtually substituted the decision of the expert statutory body with their own administrative decision, which is impermissible in law.

39. It is equally significant to notice that the respondent-State itself approached the Indian Nursing Council seeking relaxation on the ground that, out of 7,811 sanctioned seats, 4,147 seats had remained vacant because of the stringent qualifying percentile prescribed in the entrance examination, particularly keeping in view the educational conditions prevailing in the tribal and backward areas of the State. Having obtained such relaxation from the Indian Nursing Council, the respondent authorities could not have frustrated the very object behind the relaxation by again prescribing 10th percentile as the minimum qualifying criterion. The subsequent events further demonstrate that even after the impugned prescription of 10th percentile, more than 2,000 seats continued to remain vacant, thereby defeating the very purpose for which relaxation had been sought from the Indian Nursing Council. The impugned action has thus not only resulted in wastage of valuable educational infrastructure and sanctioned seats but has also deprived several otherwise eligible and meritorious candidates of an opportunity to pursue the B.Sc. (Nursing) course despite the availability of vacant seats.

40. Having heard learned counsel for the respective parties at

considerable length, bestowed my anxious consideration to their rival submissions, carefully perused the pleadings, documents brought on record and the statutory provisions governing the field, this Court is of the considered opinion that the principal issue which falls for determination in the present batch of writ petitions is a narrow yet significant one, namely, whether after the Indian Nursing Council, in exercise of its statutory powers under the Act, 1947, relaxed the requirement of securing the prescribed minimum qualifying percentile in the Common Entrance Test for admission to the B.Sc. (Nursing) Course for the Academic Session 2025-2026, respondent No.2—Commissioner, Medical Education, being an authority under the State Government, could have independently prescribed 10th percentile as the minimum qualifying criterion for all categories of candidates, including General, General-PWD, Scheduled Castes, Scheduled Tribes and Other Backward Classes, without there being any such stipulation in the communication issued by the Indian Nursing Council. The ancillary question which also arises for consideration is whether such an executive decision of the State authority can override or supplement the directions issued by the statutory regulator constituted under a Central enactment and whether such action can withstand judicial scrutiny in the light of the Rules, 2019 and the Act, 1947.

- 41.** The answer to the aforesaid question, in the considered opinion of this Court, has to be in the negative. Rule 4(4) of the Rules, 2019,

which has already been extracted hereinabove, unequivocally provides that wherever the Indian Nursing Council or the State Nursing Council prescribes the minimum qualifying standards for admission to any nursing course, the same alone shall govern admissions to such courses. Thus, the Rule itself recognizes the primacy of the standards prescribed by the Indian Nursing Council and does not envisage any independent exercise by the State Government in the matter of prescription of qualifying criteria. It is not in dispute before this Court that initially the Indian Nursing Council prescribed 50th percentile for candidates belonging to the General category, 45th percentile for General-PWD candidates and 40th percentile for candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes. Acting upon the said norms, the respondent-State conducted the entrance examination and completed the initial rounds of counselling.

- 42.** However, after completion of the counselling process, it was found that out of 7,811 sanctioned seats, as many as 4,147 seats remained vacant solely because a substantial number of candidates could not secure the prescribed qualifying percentile in the entrance examination. It was in these exceptional circumstances that the State itself approached the Indian Nursing Council requesting relaxation of the qualifying percentile keeping in view the peculiar educational conditions prevailing in the tribal dominated areas of the State and the alarming number of vacant

seats.

43. Pursuant to the aforesaid request, the Indian Nursing Council, after considering the peculiar facts and circumstances brought to its notice by the State Government, consciously relaxed the requirement relating to the qualifying percentile by its communication dated 29.12.2025. Significantly, the communication issued by the Indian Nursing Council nowhere authorizes the respondent-State to prescribe 10th percentile or any other qualifying benchmark in substitution of the relaxed criteria. Nevertheless, respondent No.2, on its own, issued a communication prescribing 10th percentile as the minimum qualifying criterion applicable uniformly to all candidates irrespective of their respective categories. In the considered opinion of this Court, such an action is clearly beyond the competence of respondent No.2.
44. Once the expert statutory body constituted under the Central enactment exercised its statutory discretion and relaxed the qualifying percentile, the State Government had no authority either to curtail the extent of such relaxation or to substitute the same by prescribing an altogether new qualifying standard. Respondent No.2 was merely required to implement the decision of the Indian Nursing Council and not to improve upon or modify it.
45. This Court also finds considerable force in the submission

advanced on behalf of the petitioners that the prescription of a common 10th percentile for all categories virtually obliterates the distinction consciously maintained by the Indian Nursing Council while prescribing different qualifying percentiles for General, General-PWD and SC/ST/OBC candidates. The constitutional mandate relating to reservation and relaxation cannot be ignored by treating unequals equally. Once differential qualifying standards had originally been recognized for different classes of candidates, respondent No.2 could not have placed every category of candidates on an identical footing by prescribing a common qualifying benchmark. Such an exercise not only travels beyond the communication issued by the Indian Nursing Council but also runs contrary to the spirit of the Reservation Rules and the Rules, 2019. It is also noteworthy that despite prescribing 10th percentile, the object sought to be achieved by the State itself remained unfulfilled, as even thereafter more than 2,000 seats continued to remain vacant. The impugned action, therefore, has not only failed to achieve its professed object but has also deprived a large number of otherwise eligible candidates of admission while simultaneously resulting in wastage of valuable educational infrastructure.

- 46.** The aforesaid conclusion also receives complete support from the law laid down by the Hon'ble Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya*** (supra), wherein the Apex Court has authoritatively held that once the field is occupied by a Central

legislation and the statutory authority constituted thereunder prescribes the standards governing professional education, the State Government or its instrumentalities cannot issue executive instructions inconsistent with or repugnant to such statutory prescriptions. The supremacy of the Central legislation in matters relating to determination of educational standards is no longer *res integra*. Applying the said principle to the facts of the present case, this Court has no hesitation in holding that respondent No.2, being a statutory authority functioning under the State Government, could not have assumed unto itself the power of prescribing 10th percentile after the Indian Nursing Council had consciously relaxed the qualifying percentile. The impugned action, therefore, deserves to be declared without jurisdiction, arbitrary and contrary to the statutory scheme governing admissions to nursing courses.

- 47.** Insofar as the objection raised on behalf of the State that no relief can now be granted in view of expiry of the last date of admission is concerned, the same also deserves to be rejected. As noticed hereinabove, the petitioners approached this Court with utmost promptitude immediately after issuance of the impugned communication. The record further reveals that substantial time during the pendency of these writ petitions was consumed in completion of pleadings and on account of repeated opportunities sought by the respondents for filing their respective replies. Thus, the delay in adjudication of the controversy cannot, by any stretch

of imagination, be attributed to the petitioners. It is now well settled by the decision of the Hon'ble Supreme Court in **Asha** (supra) that where denial of admission is attributable to arbitrary or illegal action of the authorities and the candidate is not at fault, the Constitutional Courts are fully empowered to mould the relief and issue appropriate directions even after expiry of the admission schedule in order to prevent perpetuation of injustice. The present case, in the considered opinion of this Court, squarely falls within the exceptional category recognized by the Hon'ble Supreme Court.

48. This Court also finds support from the decision rendered by the Co-ordinate Bench of this Court in **Shreya Choubey** (supra), wherein under similar circumstances, this Court directed completion of the admission process beyond the prescribed schedule after recording a finding that the delay was not attributable to the students and further directed the concerned institutions to conduct extra classes so that the minimum academic requirements could be duly fulfilled. The principle emerging from the said decision is that where the students are deprived of admission because of illegal or arbitrary action on the part of the authorities and not on account of any fault attributable to them, this Court, while exercising jurisdiction under Article 226 of the Constitution of India, can mould the relief in a manner which advances substantial justice without compromising the academic standards.

49. Recently, in ***Association of Managements of Homeopathic Medical Colleges of Maharashtra v. Union of India and others, (2019) 20 SCC 511***, the Hon'ble Supreme Court while dealing with the similar issue has held as under :-

“5. The appellant Association made a representation to Respondent 1 on 28-8-2018 in which they stated that a large number of seats will remain unfilled if the altered standards are strictly followed. As there was no response from the respondent, the appellant Association filed a writ petition in the High Court of Judicature at Bombay challenging the letter dated 11-6-2018 of Respondent 1 and the consequential notice of Respondent 3. The main contention of the appellant in the writ petition was that the altered standards for admission introduced by letter dated 11-6-2018 should not be applied to the ongoing admission process and that the admissions for the year 2018-2019 should be conducted in accordance with the information brochure which was issued on 5-2-2018. The appellant Association was not aggrieved by the introduction of NEET examination for admission into the BHMS course. The only submission made on behalf of the appellant was that the percentile method should not have been prescribed after the commencement of the admission process. The High Court rejected the said submission by holding that the student community was aware about the criterion fixed for the admissions on

11-6-2018 before the online process started much before the last date of registration on 17-6-2018. As the selection is on the basis of merit, according to the High Court, introduction of minimum percentile cannot be said to be unjustified. The point urged on behalf of the appellant that the relevant regulations have been altered or modified by an executive fiat was also rejected by the High Court.

7. We have perused the judgments and orders passed by the High Courts of Patna, Karnataka, Madras, Rajasthan, Punjab & Haryana, Allahabad and Kolkata. Directions were issued in favour of the students permitting admissions on the basis of the marks in the qualifying examination without reference to the marks secured by them in the NEET UG-2018 examination. The learned Additional Solicitor General fairly submitted that none of the judgments or orders passed by the High Courts have been challenged.

8. Though the last date for admission to the BHMS course was 15-11-2018, we are informed that the last date was extended till 20-12-2018 by the Allahabad High Court. Though there is no agreement on the exact number of vacant seats, it is common ground that there are vacant seats for admission to the 1st year BHMS course in the State of Maharashtra. As there is no uniformity in the matter of admission to the 1st year BHMS course for the year 2018-2019, as securing minimum marks in NEET is

not required in some States pursuant to orders of the High Courts, we are of the opinion that the appellants are entitled to the relief of admissions being made without reference to the letter dated 11-6-2018 of Respondent 1 and the consequential notice of Respondent 3. In other words, the appellant Association should be permitted to make admissions to the 1st year BHMS course for the academic session 2018-2019 on the basis of the eligibility criteria mentioned in the information brochure dated 5-2-2018. A candidate who has secured minimum marks in the NEET UG-2018 shall be eligible for admission to the 1st year BHMS course for the academic year 2018-2019.

9. As two months have passed after the last date of admission to the 1st year BHMS course i.e. 15-11-2018, we direct the appellants to complete the process of admissions strictly on the basis of merit by 15-2-2019. The managements of the colleges are directed to hold extra classes for students who will be admitted pursuant to this order to comply with the requirements of minimum working days. This order which is passed in the peculiar facts of the case shall not be treated as a precedent. No opinion is expressed by us regarding the introduction of the minimum percentile as an eligibility criteria in the NEET examination.”

- 50.** Reverting to the facts of the present batch of writ petitions in the light of the aforesaid statutory provisions and the judicial

precedents rendered by the Hon'ble Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya*** (supra), ***Asha*** (supra), ***Association of Managements of Homeopathic Medical Colleges of Maharashtra*** (supra), as well as the decision rendered by the Co-ordinate Bench of this Court in ***Shreya Choubey*** (supra), it is quite vivid that the controversy involved in the present case essentially centres around the competence of respondent No.2—Commissioner, Medical Education, to prescribe an additional qualifying criterion of 10th percentile for admission to the B.Sc. (Nursing) Course for the Academic Session 2025-2026, despite the fact that the Indian Nursing Council, being the statutory regulatory authority constituted under the Indian Nursing Council Act, 1947, had already exercised its statutory power and relaxed the minimum qualifying percentile for admission.

51. The material available on record clearly demonstrates that initially the Indian Nursing Council had prescribed minimum qualifying percentiles for different categories of candidates, namely 50th percentile for General category candidates, 45th percentile for General-PWD candidates and 40th percentile for candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes. The respondent-State, acting upon the said norms, conducted the Common Entrance Test and initiated the counselling process. However, during the course of counselling, it was noticed that a substantial number of seats remained vacant. Out of the total sanctioned strength of 7,811 seats, approximately

4,147 seats remained unfilled on account of a large number of candidates being unable to secure the prescribed qualifying percentile.

- 52.** It is in the aforesaid peculiar circumstances that the respondent-State itself approached the Indian Nursing Council seeking relaxation of the qualifying percentile, particularly keeping in view the educational conditions prevailing in the tribal and backward areas of the State and the possibility of wastage of valuable educational infrastructure due to large number of vacant seats. Upon consideration of the request made by the State Government, the Indian Nursing Council, being the expert statutory body entrusted with the responsibility of maintaining standards of nursing education throughout the country, consciously relaxed the qualifying criteria by its communication dated 29.12.2025.
- 53.** Once the Indian Nursing Council exercised its statutory power and relaxed the qualifying percentile, the respondent authorities were required only to implement and give effect to the said decision. However, instead of acting as an implementing agency, respondent No.2 proceeded to prescribe an independent qualifying benchmark of 10th percentile for all categories of candidates. Such prescription, in the opinion of this Court, amounts to introducing a fresh eligibility condition which neither emanates from the statutory authority nor finds any basis in the

communication issued by the Indian Nursing Council.

54. The judgment of the Hon'ble Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya*** (supra) squarely applies to the facts of the present case. The Apex Court has categorically held that where the field is occupied by a Central legislation and the statutory authority constituted thereunder has prescribed the standards governing the subject, the State authorities cannot issue executive instructions which are inconsistent with or have the effect of modifying such statutory prescriptions. The principle emerging from the said judgment is that the standards prescribed by the expert statutory body cannot be diluted, altered or supplemented by an administrative authority acting under the State Government.
55. Applying the aforesaid principle, this Court has no hesitation in holding that respondent No.2 exceeded its jurisdiction by prescribing an additional qualifying criterion of 10th percentile after the Indian Nursing Council had already relaxed the qualifying requirement. Respondent No.2 was not vested with any authority to either curtail the benefit of relaxation granted by the Indian Nursing Council or to substitute the same by imposing an independent benchmark. Such an action is contrary to the statutory scheme and beyond the competence of the respondent authority.
56. This Court also finds substance in the contention of the petitioners

that the impugned action has resulted in treating unequals equally. The Indian Nursing Council, while prescribing the original qualifying criteria, had consciously maintained separate qualifying standards for different categories of candidates, keeping in view the constitutional mandate relating to affirmative action and the socio-economic conditions of various sections of society. By prescribing a uniform 10th percentile for all categories, respondent No.2 has virtually ignored the distinction recognized by the statutory regulator and has acted contrary to the very purpose for which different qualifying criteria were prescribed.

- 57.** The justification sought to be advanced by the State that the prescription of 10th percentile was intended to maintain academic standards also does not appeal to this Court. The Indian Nursing Council, which is the statutory expert body competent to determine such standards, had itself considered the relevant factors before granting relaxation. Once the competent statutory authority, after due application of mind, found it appropriate to relax the qualifying criteria in view of the peculiar circumstances prevailing in the State, the State authorities could not substitute their own assessment and introduce a fresh restriction.
- 58.** It is also significant to notice that the object sought to be achieved by respondent No.2 through prescription of 10th percentile has not been achieved. Despite the impugned prescription, a large number of seats continued to remain vacant. Thus, the impugned

action has neither served the intended purpose of ensuring admission of suitable candidates nor prevented wastage of educational infrastructure. On the contrary, it has resulted in depriving several candidates, who became eligible pursuant to the relaxation granted by the Indian Nursing Council, from securing admission despite availability of vacant seats.

- 59.** The objection raised by the respondents regarding expiry of the admission schedule also deserves consideration. In the present case, the petitioners approached this Court challenging the impugned action without any undue delay. The delay in final adjudication of the matter occurred during the pendency of the proceedings and cannot be attributed to the petitioners. The Hon'ble Supreme Court in **Asha** (supra) has held that though the prescribed cut-off date for admission is required to be respected, exceptional circumstances may warrant moulding of relief where the candidate is not responsible for the delay and denial of admission is a consequence of arbitrary action on the part of the authorities.
- 60.** The principle laid down in **Asha** (supra) has further been followed by the Co-ordinate Bench of this Court in **Shreya Choubey** (supra), wherein it was held that students should not suffer for the delay occasioned due to the conduct of the authorities or pendency of litigation. The Constitutional Court, while exercising jurisdiction under Article 226 of the Constitution of India, is

empowered to mould the relief in such circumstances so as to balance the rights of the candidates with the requirement of maintaining academic standards.

61. Similarly, in ***Association of Managements of Homeopathic Medical Colleges of Maharashtra*** (supra), the Hon'ble Supreme Court, considering the issue of vacant seats and altered admission criteria during the admission process, permitted admissions to be made in accordance with the eligibility criteria applicable at the relevant time and directed the institutions to conduct additional classes so that the academic requirements could be fulfilled. The underlying principle is that where candidates are not responsible for the situation resulting in denial of admission and where vacant seats are available, the Court can mould the relief to prevent injustice.
62. Thus, in view of the aforesaid legal position, this Court is of the considered opinion that the impugned communication issued by respondent No.2 prescribing 10th percentile as the minimum qualifying criterion for admission to B.Sc. (Nursing) Course for the Academic Session 2025-2026 is unsustainable in law. The same is contrary to the statutory scheme under the Act, 1947 and the Rules governing admission, as it seeks to override and modify the decision taken by the statutory regulatory authority.
63. Consequently, and for all the reasons recorded hereinabove, both the writ petitions deserve to succeed and are accordingly allowed.

The communication/decision issued by respondent Nos.1 to 4 prescribing 10th percentile as the minimum qualifying criterion for admission to the B.Sc. (Nursing) Course for the Academic Session 2025-2026 is hereby quashed. The respondent authorities are directed to undertake a fresh round of counselling for filling the remaining vacant seats strictly in accordance with the communication issued by the Indian Nursing Council dated 29.12.2025, without insisting upon any minimum qualifying percentile in the entrance examination. Admissions shall be granted strictly on the basis of inter se merit of the candidates who appeared in the Common Entrance Test and fulfill the other eligibility conditions prescribed under the Chhattisgarh Nursing Admission Rules, 2019 and the Regulations of the Indian Nursing Council, including the educational qualification of passing Higher Secondary Examination with the prescribed percentage of marks in Physics, Chemistry, Biology and English.

- 64.** The respondent authorities shall notify the schedule of counselling within 15 days from the date of receipt of a certified copy of this order and shall complete the entire counselling process expeditiously. The selected candidates shall be granted a reasonable period, not exceeding 30 days thereafter, to complete all admission formalities. The concerned B.Sc. (Nursing) institutions shall admit such candidates forthwith upon completion of the counselling process and shall ensure that necessary extra classes, practical sessions and clinical training are conducted so

as to enable the students to complete the prescribed curriculum and satisfy the minimum attendance and academic requirements stipulated by the Indian Nursing Council.

- 65.** It is, however, made clear that the directions issued herein are confined to the extraordinary and peculiar facts and circumstances obtaining in the present case, namely, the one-time relaxation granted by the Indian Nursing Council owing to the exceptionally large number of vacant seats and the peculiar educational conditions prevailing in the State of Chhattisgarh. This order has been passed to do complete justice between the parties and to prevent otherwise eligible candidates from suffering on account of an action which has been held to be without jurisdiction.
- 66.** Accordingly, this order shall not be treated as a precedent for any subsequent admission process or any other academic session. It is further directed that the petitioners shall furnish a copy of this order before the competent authorities forthwith for immediate compliance.
- 67.** As a sequel to the foregoing discussion, and in view of the findings recorded hereinabove, this Court is satisfied that the petitioners have made out a case warranting interference under Article 226 of the Constitution of India.
- 68.** Consequently, both the writ petitions, being W.P.(C) No.215/2026 and W.P.(C) No.512/2026 are **allowed** with the directions

contained in the preceding paragraph of this order. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
22.06.2026	10.07.2026	-----	10.07.2026

Head -Note

The statutory standards prescribed by an authority constituted under a Central legislation cannot be diluted, altered or supplemented by the State authorities through executive instructions. Any administrative directions issued by the State Government inconsistent with such statutory prescriptions are impermissible and cannot override the standards framed by the competent statutory body.