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**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)

Dated : 13-02-2024

Shri Alok Vagrecha - Advocate and Shri Deepak Tiwari - Advocate for the petitioner.

Shri Prashant Singh - Advocate General with Shri Abhijeet Awasthi - Advocate and Shri Bharat Singh - Additional Advocate General for respondents/State.

Shri Mohan Sausarkar - Advocate for Indian Nursing Council.

Shri Sudhir Kumar Sharma - Advocate for the Central Bureau of Investigation.

Of a note, on preceding date i.e. 08.02.2024, we proposed a three-member Committee consisting of two persons each related to the field of College Education and Medical Education, headed by a retired High Court Judge. Albeit, the names of members of the Committee were kept undisclosed. Thus, after much rumination, we form the Committee consisting of the following members:-

1. Headed by : Shri Justice Rajendra Kumar Shrivastava, Retired High Court Judge, residing at "Ashiyana", 14, Rajul City, Phase-2, Kajarwada Road, Bilheri, Jabalpur.
2. Member - Shri R.S. Julaniya, (retired IAS), Ex. Secretary, Gol A-11 Whispering Palms, Kerwa Dam Road, Bhopal.
3. Member - Shri Prakash Mani Tripathi, Vice-Chancellor, Indira Gandhi National Tribal University, Amartantak, District Anuppur.

Although, we have opined in previous order-sheet that for the Colleges

which have been given clean-chit by CBI finding them suitable to be continued, no further scrutiny by any agency or Committee is necessitated. Further, the Colleges which are found deficient and those deficiencies are surmountable, they need to be given some time to cure the deficiencies and it will be examined by the Committee that in the given time whether such Colleges actually cure the deficiencies and become eligible to be continued and switched in the list of suitable Colleges. Looking to the interest of the students, who have been admitted by the deficient Colleges required to be adjusted in the suitable College, such aspect shall be considered by the Committee as to in what manner the students are to be adjusted. As per the report, CBI has inspected 308 Nursing Colleges out of total 364 Colleges for which High Court had issued the direction to conduct inspection, but in pursuance to the order passed in SLP(C) No.18053/2022, the Supreme Court has granted interim protection to 56 out of 364 Colleges restraining CBI to make inspection of these Colleges. The report further reveals that CBI has found total 169 Colleges suitable; 74 colleges deficient with minimal curable deficiency, which can be rectified and remaining 65 Colleges have been found unsuitable. As regards 65 Colleges which are found unsuitable, the students took admissions therein, are not required to be adjusted in any other Colleges because in our opinion they are not required to be protected in any manner inasmuch as it is expected from the students that before getting admission, they must satisfy themselves whether the College in which they are seeking admission fulfills the minimum requirement of College and fulfills the norms for possessing recognition and affiliation. Ergo, the Committee is not required to consider about accommodation of students of these 65 unsuitable colleges. The Colleges, 74 in number, which have minor deficiencies and they are able to cure it, the students of such Colleges can be

adjusted in other Colleges which are found suitable and it is for the Expert Committee to see as to in what manner those students can be accommodated.

The Committee will not be required to inspect the Colleges already inspected by the CBI but the Committee has to act upon the report of CBI and to see that the Colleges which are given time to cure the deficiencies whether cure the same within given time and if not then should not be allowed to continue and report in this regard be submitted before the State Government and also before the Court that these Colleges are not fit to be continued as they do not fulfill the necessary required norms for possessing affiliation and curing the pointed out deficiencies.

The Committee will examine as to whether the Colleges which have been found deficient, after affording sufficient time, remove the deficiency and become suitable or not. The Committee shall submit a report in that regard before this Court and also a copy thereof to the State Government for taking appropriate action against the Colleges which shall not cure the deficiencies in given time so as to close them down with immediate effect. Further, the Committee will propose what action is to be taken against the erring officers and the inspectors who had inspected the Colleges and submitted a favourable report.

The Committee may also suggest measures, like - (i) to strengthen recognition system and related rules and regulations so that substandard institutions get weeded-out, and (ii) to improve Nursing and Paramedical Colleges including their academic, practical training, apprenticeship and internship. Obviously, this would succour the High Court to ensure strengthening and rule based allied Medical Health Education System.

It is further directed that the CBI will make inspection of the remaining colleges keeping aside 364 Nursing Colleges and also the Colleges in regard to which the Supreme Court has granted moratorium and matter relating to those colleges is pending in the Supreme Court. It is suggested by this Court that the CBI will conduct the inspection and submit a report within a period of three months. The State is also directed to provide all sorts of facilities including manpower as was provided during the course of earlier inspection. The CBI is also directed to make inspection and ascertain the details in the manner as categorised in the following chart:-

Academic Session	Application No.	Institute Name	Institute Address (As per recognition Application)	Geo Address Latitude Longitude	District	Academic Building (Rented/ owned)	Inspection Date and Report
2020-21							
Academic Session	Application No.	Institute Name	Institute Address (As per recognition Application)	Geo Address Latitude Longitude	District	Academic Building (Rented/ owned)	Inspection Date and Report
2021-22							
Academic Session	Application No.	Institute Name	Institute Address (As per recognition Application)	Geo Address Latitude Longitude	District	Academic Building (Rented/ owned)	Inspection Date and Report
2022-23							

The CBI will also enquire about the duplicacy in faculty and submit its report. As regards Colleges found suitable and deficient, the duplicacy in faculty will be tolerated in respect of maximum three faculties and will also suffer a fine - duplicacy in per faculty Rs.1 Lakh. Although it is clear that if duplicacy is found more than three faculties then it is for the College to make afresh appointment of faculty so as to fulfill the norms.

For observing the directives of this Court, let a copy of the report of CBI

dated 17.01.2024 be given to the Committee so as to enable expedient action predicated on the report of CBI.

The requisite remuneration and expenses to be incurred by the Committee in executing the order of this Court shall be borne by the State including the arrangement for the Members of the Committee and the place where meetings of the Committee will be organised. Intimation in that regard will be communicated by the Committee to the Secretary, Medical Education Department, who in turn, would ensure .

List this matter on **22.02.2024** along with other connected matters. To be taken-up on Board at 2.15 p.m.

(SANJAY DWIVEDI)
JUDGE

(ACHAL KUMAR PALIWAL)
JUDGE

Sudesh

