

Court No. - 36

Case :- WRIT - C No. - 10776 of 2020

Petitioner :- Narendra Kumar Singh And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Vibhu Rai, Abhinav Gaur, Anoop Trivedi (Senior Adv.)

Counsel for Respondent :- C.S.C.

Hon'ble Ashwani Kumar Mishra, J.

Heard Sri Anoop Trivedi, learned Senior Counsel assisted by Sri Vibhu Rai, learned counsel for the petitioners and Sri Manish Goel, learned Additional Advocate General assisted by Sri Pankaj Rai, learned counsel for the State respondents.

Petitioners are nursing students, who have assailed the decision of the State to resume their nursing course primarily on the ground that such decision is inconsistent with the decision taken by the Central Government for extending the lock down. Reliance is placed upon an order passed by the Chairman, National Executive Committee (NEC) under the Disaster Management Act, 2005, dated 29th June, 2020 as per which all educational institutions are to remain closed till 31st July, 2020. State Government is also alleged to have resolved to follow the directions of the competent authority under the Act of 2005. A circular dated 14th May, 2020 of the Indian Nursing Council is also placed before the Court as per which the academic session 2019-20 is extended till September/October, 2020.

Sri Goel, on the other hand, submits that the decision to reopen the nursing course is based upon a circular issued by the Ministry of Health & Family Welfare, dated 16th June, 2020. It is also urged that nursing staff is otherwise required to meet the imminent need due to Covid 19 Pandemic.

Considering the competing interest of securing life/health of students vis-a-vis requirement of providing nursing services to the common man, it would be appropriate to permit the learned Additional Advocate General appearing for the State to obtain specific instructions in the matter from the department concerned.

Petitioners are also granted liberty to implead Union of India as also the Indian Nursing Council, New Delhi, and to serve notices of this petition upon their counsels so that they may also obtain instructions in the matter by the next date fixed.

Post as fresh before the appropriate Court on 8.7.2020.

Order Date :- 1.7.2020

Ranjeet Sahu