

The Principal, K.M.C.T College of Nursing Vs Kerala University Of Health Science

Court: High Court Of Kerala

Date of Decision: Jan. 10, 2025

Hon'ble Judges: Amit Rawal, J; P. V. Balakrishnan, J

Bench: Division Bench

Advocate: K.S.Sajeev Kumar, Bismi T.A., Ramesh.P.N., Mohandas K.Chacko, Sukesan P.S., Ansila C.A., Binny Thomas, P.Sreekumar

Final Decision: Dismissed

Judgement

Amit Rawal, J.

1. The present writ appeal is directed against the judgment of the Single Bench whereby the following claim preferred by the college has been

declined.

“1. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent no.3 to enlarge the last date for admission to BSc Nursing

Course from 30.11.2024 to 31.12.2024

2. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents nos. 4,8 and 9 to issue NOC to carryout BSc Nursing Course

for enhanced intake capacity of 150 seats for the academic year 2024-25 within a time frame.

3. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 1, 2 and 7 to grant affiliation for BSc Nursing Course for

enhanced intake capacity of 150 seats within a time frame.

4. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 5 and 6 to approve the prospectus for BSc Nursing Course for

academic year 2024-25 with an enhanced intake capacity of 150 seats within a time frame.

5. Issue such other writ, directions or orders which this Hon'ble Court may deem fit in the facts and circumstances of the case.

2. Appellant - petitioner had approached the Court for a direction to the Indian Nursing Council Respondent No.3 to enlarge the last date of admission

for B.Sc. Nursing course, which has already expired on 30.11.2024, for, they have already an intake of ninety(90) students. On 05.04.2024, applied to

the 8th respondent i.e., Principle Secretary, Department of Health and Family Welfare, Government of Kerala, Thiruvananthapuram for issuance of

No Objection Certificate for enhancement of seats to 150 for the academic year 2024-2025. The inspection was carried out, certain short comings

were raised which were not rectified as late as on 01.11.2024 and application was re- submitted after rectification on 08.11.2024. On 21.11.2024

again an inspection was conducted by the faculty members appointed by the statutory authorities. The last date for admission to B.Sc.Nursing Course

was 30.11.2024 and it is in these circumstances, the reliefs as noticed above have been sought.

3. We are of the view that such reliefs at the belated stage cannot be granted for, no explanation has come forth in not rectifying the mistake in

pursuance to the request submitted on 05.04.2024 much less the inspection conducted. In the other words, the delay of almost seven(7) months have

not been explained knowing full well that the last date for taking admissions will be expiring on 30.11.2024. The writ petition was filed before this

Court on 17.12.2024 and by that time, the period was already over. Court cannot relay/rewrite the application and extend the period of limitation in the

domain of competent authority. The No Objection Certificate from the State Government and thereafter the affiliation from the Council are still to be

updated.

In such circumstances we do not find any justification in interfering with the judgment of the Single Bench. No merit in the matter, accordingly,

dismissed.