

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.6344 of 2026****Decided on: 29th April, 2026**-----
Jeevan Jyoti School of Nursing**.....Petitioner****Versus**

State of H.P. and others

.....Respondents
-----**Coram****Ms. Justice Jyotsna Rewal Dua****Whether approved for reporting?¹**

For the Petitioner: Ms. Ritta Goswami, Senior Advocate with Ms. Rekha Thakur and Ms. Komal Chaudhary, Advocates.

For the Respondents: Mr. Anup Rattan, Advocate General with Ms. Menka Raj Chauhan, Deputy Advocate General, for respondents No.1 and 2-State.

Ms. Tanu Sharma, Advocate, for respondent No.3.

Jyotsna Rewal Dua, Judge

Notice. Ms. Menka Raj Chauhan, learned Deputy Advocate General and Ms. Tanu Sharma, learned counsel, appear and waive service of notice on behalf of respondents No.1 & 2 and respondent No.3, respectively.

In view of the grievance raised by the petitioner, the documents appended alongwith the writ petition and

¹Whether reporters of print and electronic media may be allowed to see the order? Yes.



the order being passed hereinafter, reply to the writ petition is not required to be called for from the respondents. The matter has accordingly been heard at this stage.

2. The case set up by the petitioner is that:-

2(i). Petitioner is registered under the Societies Registration Act. Petitioner-Institute is also duly registered with respondent No.3, i.e. H.P. State Nurses Registration Council. It is authorized to impart nursing education in accordance with the norms prescribed by the Indian Nursing Council and respondent No.3. In the year 2019, the petitioner-Institute was granted approval to run Auxiliary Nursing and Midwifery (ANM) course with intake of 40 students. Petitioner started this course and continuously maintained all requisite infrastructure, faculty and clinical facilities in compliance with the prescribed standard.

2(ii). Respondent-State on 19.02.2024, took a policy decision to close the ANM courses in the State on completion of ongoing academic session. This would have rendered the entire infrastructure established by the petitioner for ANM course unutilized. In order to utilize the existing infrastructure and to continue the lawful educational activities, the petitioner sought permission of the respondents for conversion of its existing 40 ANM seats



into General Nursing & Midwifery (GNM) course and applied for grant of No Objection Certificate.

2(iii). Petitioner's case was considered by the respondents. A Sub-Divisional Level Committee inspected the petitioner-Institute on 22.07.2024, but no decision was conveyed on grant of No Objection Certificate applied for by it. This led the petitioner to institute CWP No.13251 of 2024, which was disposed of on 12.12.2024, granting liberty to the petitioner to furnish a fresh representation to the competent authority with direction to the said authority to decide the same in accordance with law.

2(iv). The Directorate Level Evaluation Committee conducted the inspection of petitioner's premises on 23.07.2025. The evaluation report was to the effect that the petitioner-Institute fulfills the requisite criteria to run the GNM course, as it also possesses adequate infrastructure, qualified faculty and clinical attachments. Petitioner's case was recommended as under:-

"In view of the position stated above, the committee is of the considered view that Jeevan Jyoti College of Nursing has adequate infrastructure in terms of constructed/built up area measuring 39750 sq. ft. against requirement of HPNRC Bye Laws for GNM programme whereas the institute have only 130 beds (i.e. 35 beds Government and 95 beds private) which meets the requirement of Indian Nursing Council in terms of Clinical area for 20 seats in GNM program because the above institution is already running



B.Sc.(N) degree course with annual intake of 20 seats in its existing Nursing Institution. The copy of inspection report is enclosed herewith for favour of kind perusal and further necessary action at Govt. level.”

2(iv). Since no decision was communicated to the petitioner, it instituted CWP No.17868 of 2025. During pendency of the aforesaid writ petition, the respondents informed that petitioner’s case was placed before the Council of Ministers and it was rejected with the observation ‘Not Approved’. The writ petition was accordingly disposed of on 05.01.2026, reserving liberty to the petitioner to file a fresh petition on the fresh cause of action.

It is in the aforesaid background that the petitioner has now instituted the present writ petition.

3. Heard learned counsel for the parties and considered the case file.

4. The documents placed on record are categorical pointer to the fact that petitioner’s case for conversion of ANM course to GNM course was though placed before the Council of Ministers, but the Council of Ministers in its meeting dated 30.12.2025, rejected it by simply observing ‘Not Approved’.



The Council of Ministers has rejected petitioner's case for grant of No Objection Certificate for converting the ANM course to GNM course without assigning any reason whatsoever. It is by now well settled that insistence on recording of reasons is meant to serve the wider principles of justice. It's a requirement for both accountability and transparency. The reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or rubber stamp reasons cannot be equated with valid reason making process. (Reference: *Kranti Associates Private Limited and another versus Masood Ahmed Khan and others*²). In absence of any reason assigned in the decision of the Council of Ministers, the petitioner-Institute has been put to great prejudice. Despite its case having been forwarded with complete report for conversion of course from ANM to GNM, the same has been rejected without making the petitioner aware as to what it fails to meet. For want of reasons, neither the petitioner can effectively contest the rejection order nor the Court can effectively adjudicate the matter on merits.

5. Accordingly, the impugned decision taken by the Council of Ministers, rejecting the case of the petitioner for

² (2010) 9 SCC 496



conversion of ANM course to GNM course, is quashed and set aside. The respondents/competent authority(s) are directed to consider the case of the petitioner afresh in accordance with law by passing a reasoned order. This exercise be now carried out within six weeks from today. The order so passed, be communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

April 29, 2026
Mukesh

Jyotsna Rewal Dua
Judge