



2026:UHC:3513

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 1283 of 2026

08 May, 2026

Prithviraj Chauhan College of Nursing and another
--Petitioners

Versus

State Of Uttarakhand and Others --Respondents

Presence:-

Mr. D.S. Patni, learned senior counsel assisted by Mr. Tribhuwan Phartiyal and Mr. Dharmendra Barthwal, learned counsel for petitioners.

Mr. N.S. Pundir, learned D.A.G. for the State of Uttarakhand/respondent No.1.

Mr. Shailendra Nauriyal, learned counsel for respondent No.2-H.N.B.Garhwal Medical Education University.

Mr. Tarun Pande, learned counsel for respondent No.5-Indian Nursing Council, through V.C.

Hon'ble Pankaj Purohit, J. (Oral)

By means of the present writ petition, petitioners have prayed for the following reliefs:-

- i) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 27.04.2026 (Annexed as Annexure No.5, annexed at page no.44 to 48), passed by Respondent No.1 cancelling the Essentiality Certificate issued in favour of the Petitioner College and commanding the Respondents to forthwith restore the Essentiality Certificate and all consequential approvals/affiliations and permit the Petitioner College to continue the B.Sc. Nursing and GNM courses for the academic session 2025-26 and allow the students to appear in the examinations;
- ii) Issue a writ, order or direction in the nature of certiorari quashing the impugned communication letter dated 04-05-2026 (Annexed as Annexure no.7, annexed at page no.51 to 52), passed by Respondent No.2 University thereby refusing to open the petitioner's portal and commanding the Respondent no.2 to forthwith open the University portal insofar as the petitioner's students are concerned and allow the students to appear in the examinations;



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iii) To direct the respondent no.4 to forthwith permit the petitioner to carry out new enrolments in the GNM Course being conducted by it and also provide the user ID and password as far as the GNM students admitted by the petitioner are concerned.

2. Petitioner No.1 is a college imparting education of B.Sc. Nursing and General Nursing and Midwifery (GNM) Courses. Undisputedly, respondent No.1 has granted Essentiality Certificate to the petitioner-College on 28.11.2025 and on the same date, respondent No.2 has also issued NOC and affiliation of the petitioner-College with University on the basis of Essentiality Certificate issued by respondent No.1.

3. Pursuant to aforesaid development, petitioner-College got inducted 45 students in GNM Course and 45 students in B.Sc. Nursing Course in the Academic Year 2025-26.

4. In between, some complaint has been made by one-Mr. Mahesh Singh to the State Government and it is reflected from the order that the complaint is that the petitioner-College does not have any building at the particular place for which the Essentiality Certificate was issued.

5. On the said complaint, inspection was made on 22.12.2025 and the impugned order has been passed, whereby, Essentiality Certificate dated 28.11.2025 (Annexure No.1 to the writ petition) has been cancelled. It is feeling aggrieved by the said order, petitioners are before this Court.



6. It is argued by learned senior counsel for the petitioners that before passing the impugned order, no show-cause notice/opportunity of hearing was given to petitioners-College and even the copy of complaint was not forwarded to petitioners-College. The impugned order, whereby, the Essentiality Certificate dated 28.11.2025 was cancelled, was also passed behind the back of petitioners-College.

7. It is submitted by learned senior counsel for the petitioners that College does have huge building and space at Barkhera Rajput, Kashipur, District Udham Singh Nagar, where the College is running. It is further submitted by him that impugned order has been passed behind the back of petitioners, therefore, the same could not be sustained in the eyes of law.

8. Per contra, learned State Counsel submits that inspection was conducted by the respondent-department, wherein, it was found that the construction work was in progress on the said building and it was also contended in the impugned order that earlier the said building was shown at another place.

9. Having heard the learned counsel for the parties and having gone through the entire material available on record as well as the impugned orders, this Court is of the view that before passing impugned order, petitioners should have been supplied the copy of complaint and proper opportunity of hearing should have been given to petitioners-College.



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10. From bare perusal of the impugned order, it is nowhere reflected that petitioners' point of view and case have been considered by respondent No.1 while passing the order, as it nowhere stated that petitioner was heard and given any show-cause notice. Accordingly, the present writ petition deserves to be allowed only on this count for not following the principal of natural justice.

11. In view of the above, writ petition is allowed. Impugned orders dated 27.04.2026 passed by respondent No.1 (Annexure No.5) and 04.05.2026 passed by respondent No.2 (Annexure No.7) are hereby quashed. Respondent No.1 is free to conduct inspection or to pursue the complaint made by Mr. Mahesh Singh, after giving copy of complaint and due opportunity of hearing to the petitioners.

12. Pending application stands disposed of.

13. Let a certified copy of this order be supplied to learned counsel for parties today itself, as per Rules.

(Pankaj Purohit, J.)

08.05.2026

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