IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.202542 OF 2023 (EDN-AD)

BETWEEN:

1. BHOSALE TEJAS ASHOK
   D/O ASHOK BHOSALE,
   AGED 19 YEARS

2. MAKASARE VISHWAJIT SANJAY
   D/O SANJAY AGED 20 YEARS

3. ALHAT SHUBHAM BHAGWAN
   D/O BHAGWAN AGED 18 YEARS

4. SHAIKH NUMAN RAFIK
   D/O RAFIK AGED 18 YEARS

5. BIDKAR SACHIN SUNIL
   D/O SUNIL AGED 19 YEARS

6. BORDE KUNAL CHANGDEV
   D/O CHANGDEV AGED 19 YEARS

7. ALHAT SURESH DEVDAN
   D/O ALHAT SURESH AGED 18 YEARS
   ALL ARE R/O MOTHER MARRY
   COLLEGE KALABURAGI.

...PETITIONERS

(BY SRI. SANDEEP VIJAYKUMAR, ADVOCATE)

Digitally signed by VARSHA N RASALKAR
Location: HIGH COURT OF KARNATAKA

AND:

1. THE REGISTRAR
   RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCES
   KARNATAKA 4TH T-BLOCK, JAYANAGAR
   BANGALORE-560041

2. GAWARI SAHIL ASHOK
   D/O ASHOK AGED 18 YEARS

3. TRIBHUVAN AKASH PRAKASH
   D/O PRAKASH AGED 20 YEARS

4. PARSAIYYA AJAY SOMNATH
   D/O SOMNATH AGED 21 YEARS
   ALL ARE R/O MOTHER MARRY
   COLLEGE, KALABURAGI-585103.

…RESPONDENTS

(BY SRI. R. J. BHUSARE, ADVOCATE FOR R1;
NOTICE TO R2 TO R4 ARE DISPENSED WITH
V/O DATED 25.03.2025)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE ANNEXURE-C CORRIGENDUM LETTER DATED 28.07.2023//31-7-23 IN NO. RGHUS/ADM/B.SC NURSING/N679/2021-22 ISSUED BY RESPONDENT NO. 1 AS ARBITRARY AND ISSUE THE PERMANENT REGISTRATION NUMBER FOR THE STUDENTS.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

The petitioners are said to be students admitted to the course of B.Sc.Nursing by name 'Mother Mary College of Nursing' for the academic year 2021-22. The said college is said to have been affiliated to respondent No.1-University.

2. The writ petition is filed with the following prayer and interim prayer.

PRAYER

Wherefore, the petitioners most humbly may be pleased to;-

a) ISSUE A writ in the nature of Certiorari quashing the Annexure-C Corrigendum Letter dated 28-7-23 // 31-7-23 in No.RGHUS/ADM/S.Sc. Nursing/N679/2021-22 issued by respondent No.1 as arbitrary and issue the permanent registration Number for the students.

b) Pass such other orders as this Hon'ble Court deem fit and proper under the circumstance of the case in the ends of the justice.

INTERIM PRAYER

Pending consideration of the above petition, - Annexure-C Corrigendum Letter dated 28-7-23 // 31-

7-23 IN No.RGHUS/ADM/B.Sc. Nursing/N679/ 2021-22 issued by respondent No.1 in be stayed which shall be subject to the out come of Pending W.A.No.200098/23 the as this Hon'ble court deems fit and proper under the circumstance of the case in the ends of justice.

3. This Court by its order dated 12.12.2024 has passed the following order:

ORAL ORDER ON I.A.NO.3/2024

Heard.

I.A.No.3/2024 is filed by the petitioner for a direction to the Rajiv Gandhi University of Health Sciences (RGUHS) to permit the petitioner to write/take up the 3rd year BSC. annual nursing examination scheduled to be conducted from 16.12.2024 onwards and other reliefs.

Though the application is opposed by the learned counsel for respondent No.1-University, having regard to the averments made in the application and without prejudice to the rights and contentions of both parties, I deem it just and appropriate to permit the petitioner to write/take up the 3rd year BSC annual nursing examination scheduled to be conducted from 16.12.2024 onwards, which would be subject to the final outcome of this writ petition and

the petitioner would not claim any equities in this regard.

List after Winter Vacation, 2024.

Hand delivery of this order is permitting.

4. However, when the matter is taken up today, the learned counsel for the respondent No.1-University brought to the notice of the Court the order passed in W.P.No.200583/2023 (Annexure-A) wherein the said writ petition was filed by 'Mother Mary College of Nursing' and all the petitioners herein along with few other students, wherein the following prayer has been made.

a. "Issue an order or direction or writ in the nature of mandamus directing the 2nd respondent to consider the representation made by the petitioner No.1 as per the Annexure-F and enable the web portal to allow uploding details of the students and issue the Registration Numbers to all the eligible petitioner no.2 to 11 without any discrimination, whose details shall be uploaded if the portal is enabled.

b. Issue an order or direction or writ in the nature of mandamus directing the respondent No.2 to permit the students of petitioner No.1 to appear

for Examination of 1st year B.Sc. Nursing Course commencing on 13.02.2013.

c. Issue an order or direction or writ in the nature of mandamus directing the respondent No.2 to approve the admission of the studentsw of petitioner No.1 and announce the results of the exams.

d. Grant such other relief that this Hon'ble Court may deem fit in the facts and circumstances of the case."

5. This Court after hearing the matter has dismissed the writ petition and has passed the following order:

i. The petition is dismissed.

ii. Petitioner No.1-College is directed to make payment of a sum of Rs.10,00,000/- (Rupees ten lakhs only) each to petitioner Nos.2 to 11 as compensation for the loss of one year which has been caused to them.

iii. Respondent No.1-University is directed to initiate such action against the petitioner No.1-College as may be available in law including filing of criminal complaint and administrative action against charter of the respondent-university.

iv. The original of the Admission Register and the original Attendance Register are returned back to Sri.R.J.Bhusare, learned counsel for respondent No.1-University.

6. Thus, it is clear that by virtue of the order passed in W.P.No.200583/2023, the petitioners' admission in Mother Mary College of Nursing has not been held to be valid and the college has been directed to compensate the petitioners herein. Under the circumstances, the present writ petition cannot be entertained.

7. However, it is submitted by the learned counsel for the petitioners and respondent No.1-University that the W.A.No.200098/2023 has been preferred against the order passed in W.P.No.200583/2023 and the following interim order has been passed.

ORDER

Sri. D.R.Ravi Shankar, the learned Senior counsel is heard for grant of *ad-interim* order.

This appeal is by a nursing college and some of the students enrolled with it. The writ petition filed by the institution and the students for certain direction are disposed of by the impugned order *inter-alia* directing the institution to deposit a sum

of Rs.10,00,000/- for the benefit of each of the eight students and directing initiation of criminal proceedings against College.

Sri. D.R.Ravi Shankar submits that the direction to pay cost and for initiation of criminal proceedings is based on the writ Court's reading of the registers submitted by the first respondent-University. However, the writ Court has not considered that this register has been inspected once by the Registrar of the University and another time by the Local Inspection Committee of the University, and objections are not raised at that stage. There could be some overwriting and pasting in the register as regards the name, but the corresponding details mentioned in the other columns relate to the very students. As such there cannot be any reason to suspect tampering.

In consideration of these submissions, and on perusal of records, including photocopies of the register now placed on record, the operation of the order insofar as there is a direction to deposit Rs.10,00,000/- for each of the students and initiation of criminal proceedings is stayed until the next date of hearing.

Sri. R.J.Bhusare, is called upon to accept notice for the first respondent.

Sri. Mallikarjun C.Basareddy, is called upon to accept notice for second respondent.

The notice to other private respondents stands dispensed with at the risk of the appellants, in the light of the submission that these private respondents have withdrawn their admission after taking back the admission fee.

8. As seen from the said interim order only the payment of costs of Rs.10,00,000/- each to the students from the college has been stayed and the petitioners herein are also appellants in the said writ appeal. Under the said circumstances, entertaining the present writ petition does not arise.

9. For the aforesaid reasons, the writ petition is hereby dismissed.

Sd/-
(M.I.ARUN)
JUDGE

SMP
List No.: 1 Sl No.: 26
CT:SI