



2026:DHC:8124



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 18th September, 2026**

CNR No. DLHC010390632026

+ **CONT.CAS(C) 1502/2026**

SH PRAFULLA KUMAR

.....Petitioner

Through: Mr. Maneesh Kumar, Advocate
(through VC)

versus

COL (DR) SARVJEET KAUR

.....Respondent

Through: Mr. V. S. R. Krishna and Mr. V.
Shashank Kumar, Advocates
Mob: 9910800508

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present petition has been filed alleging wilful disobedience of the order dated 27th April, 2026, passed by this Court in *W.P.(C) 5629/2026*, wherein, the statement made by the counsel for the petitioner was recorded that the petitioner would be satisfied if the respondent herein, i.e., Indian Nursing Council ("INC") considers the legal notice dated 02nd December, 2025, issued by the petitioner and pass a speaking order in regard thereto.
2. Accordingly, the said writ petition was disposed of in the following manner:



“xxx xxx xxx

2. Mr. Kumar, learned counsel for the petitioner, states that the petitioner would be satisfied if the respondent No. 1 considers the legal notice dated 02.12.2025 and pass a speaking order addressing the issues therein.
3. Ms. Nair, learned counsel for the respondent No.1 is agreeable to the said course of action.
4. For the said reasons, the present petition is disposed of directing the respondent No.1 to duly consider the legal notice dated 02.12.2025 and if the need so arises, call the involved parties for a personal hearing and pass a speaking order. The entire exercise shall be concluded expeditiously.
5. With these directions, the present petition is disposed of.

”

3. During the pendency of the present proceedings, a Compliance Affidavit dated 16th September, 2026, was filed on behalf of the respondent, wherein, it has been stated as follows:

“xxx xxx xxx

4. It is submitted that subsequent thereto the legal notice dated 02.12.2025 was duly considered by the officials of the Indian Nursing Council in terms of the INC Act 1947 and the associated Regulations. That considering the same the INC has duly responded to the legal notice in compliance with the directions of this Hon'ble Court. True copy of the reply to the legal notice preferred by the INC is annexed herewith and marked as Annexure A.



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5. It is submitted that since the matter required consideration of the legal powers of the INC some time was consumed in responding to the legal notice. That the delay in responding to the legal notice was neither intentional nor deliberate but due to administrative exigencies.
6. In light of the above it is submitted that there has been no wilful or deliberate non-compliance with the directions of this Hon'ble Court. Hence it is prayed that the present contempt proceedings be closed.
7. That it is reiterated that the answering Respondent holds this Hon'ble Court in the highest of regards and would not do any act constituting contempt of this Hon'ble Court's order.

xxx xxx xxx”

4. Perusal of the aforesaid Compliance Affidavit shows that reply to the petitioner's legal notice dated 02nd December, 2025, has already been given by the respondent.

5. The said reply dated 16th September, 2026, as issued to the petitioner by the respondent is reproduced as under:

“

Annexure A secy.inc < secy.inc@gov.in >

DISPOSAL OF LEGAL NOTICE DATED 02.12.2025 IN TERMS OF ORDER DATED 27.04.2026 PASSED BY THE HON'BLE HIGH COURT OF DELHI IN W.P.(C) NO. 5629/2026, TITLED SH. PRAFULLA KUMAR V. INDIAN NURSING COUNCIL & ORS

Secretary < secy.inc@gov.in >
Wed, 16 Sep 2026 11:25:14 AM +0530

To "mkalegalassociates"<mkalegalassociates@gmail.com>

Dear Sir/Madam,



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Refer INC letter no. 28-38/2026-INC(646456) dated 15.09.2026 (copy attached), The dispute, as apparent from the Legal Notice, is an inter-se civil/criminal dispute between the functionaries of Bina Karuna Trust and Dumka College of Nursing regarding the management of the Trust, its finances, and the operation of its bank accounts. The Council does not undertake any financial audit, forensic examination or investigation into financial fraud or other financial irregularities of the Trust/Society. In case of any allegation or indication of financial fraud, misappropriation or other financial irregularities involving the Trust/Society, the matter may appropriately be examined by the concerned State Government and other competent statutory authorities, as per the applicable laws and regulatory framework. The Council is not a necessary or proper party to such a dispute and has no role to play in the same.

With regards,

कर्नल (डॉ.) सर्वजीत कौर/ Col (Dr) Sarvjeet Kaur
सचिव/ Secretary
भारतीय उपचर्या परिषद/ Indian Nursing Council
नई दिल्ली/ New Delhi
Email : secy.inc@gov.in

1 Attachment(s)

DOC091626-09162026111344...
164.3 KB

”

6. This Court notes the submission made by learned counsel appearing for the petitioner that the said reply of the respondent to his legal notice does not address the issues that have been raised by the petitioner.
7. This Court notes that the petitioner has raised various issues with regard to allegations of financial misappropriation, fraudulent institutional management and non-compliance of various norms in respect of Dumka College of Nursing situated at *Mauza Banskuli, Thana No. 25, Circle-Banskuli, District Dumka, Jharkhand*, and the Bina Karuna Trust.
8. Learned counsel appearing for the petitioner also submits that the respondent has ample power under the Indian Nursing Council Act, 1947 (“Indian Nursing Council Act”).
9. *Per contra*, learned counsel appearing for the respondent draws the attention of this Court to Sections 13 and 14 of the Indian Nursing Council



Act, which are reproduced as under:

“xxx xxx xxx

13. Inspections.

- (1) The Executive Committee may appoint such number of inspectors ³[whether from among members of the Council or otherwise] as it deems necessary to inspect any institution recognised as a training institution, and to attend examinations held for the purpose of granting any recognised qualification or recognised higher qualification.
- (2) Inspectors appointed under this section shall report to the Executive Committee on the suitability of the institution for the purposes of training and on the adequacy of the training therein, or as the case may be, on the sufficiency of the examinations.
- (3) The Executive Committee shall forward a copy of such report to the authority or

1. Substituted for the word 'Province' by A.L.O., 1950.

2. The words 'of India' were omitted by A.L.O., 1950 (28-1-1950).

3. Inserted by the Indian Nursing Council (Amendment) Act., 1957 (45 of 1957), section 8 (with effect from 1-12-1958).

institution concerned, and shall also forward copies, with the remarks, if any, of the authority or institution concerned thereon, to the Central Government and to the ¹[State] Government and ¹[State] Council of the ¹[State] in which the authority or institution is situated.

14. Withdrawal of recognition.

- (1) When, upon report by the Executive Committee, it appears to the Council—
 - (a) that the courses of study and training and the examinations to be gone through in order to obtain a recognised qualification from any authority in any ¹[State] ²[* * *], or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or



(b) that an institution recognised by a ¹[State] Council for the training of nurses, midwives, ³[auxiliary nurse-midwives] or health visitors does not satisfy the requirements of the Council, the Council may send to the Government of the ¹[State] in which the authority or institution, as the case

1. Substituted for the words 'Province' or 'Provincial' by A.L.O., 1950.
2. The words 'of India' were omitted by A.L.O., 1950 (28-1-1950).
3. Inserted by Act 45 of 1957 S.9 (1-12-1958).

may be, is situated a statement to such effect, and the ¹[State] Government shall forward it, along with such remarks as it may think fit to the authority or institution concerned and, in a case referred to in clause (b) to the ¹[State] Council also, with an intimation of the period within which the authority or institution may submit its explanation to the ¹[State] Government.

(2) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of the period, the ¹[State] Government shall make its recommendations to the Council.

(3) The Council, after such further inquiry, if any, as it may think fit to make, and in a case referred to in clause (b) of sub-section (1), after considering any remarks which the ¹[State] Council may have addressed to it, may declare,-

(a) in a case referred to in clause (a) of that sub-section, that the qualifications granted by the authority concerned shall be recognised qualifications only when granted before a specified date, or

(b) in a case referred to in the said clause (b), that with effect from a date specified in the declaration any person holding a recognised qualification



whose period of training and study preparatory to the grant to him of the qualification was passed at the institution concerned shall be entitled to be registered only in the ¹[State] in which the institution is situated.

(4) The Council may declare that any recognised qualification granted outside the ¹[States] ²[* * *] shall be a recognised qualification only if granted before a specified date.

xxx xxx xxx”

10. Perusal of the aforesaid Sections clearly shows that though the respondent has the authority to inspect premises of institutions and pass appropriate orders, the said powers are confined with regard to the statutory functions of the INC.

11. As per Section 13 of the Indian Nursing Council Act, an inspection can be done by the respondent-INC in order to check the suitability of an institution for the purposes of training, on the adequacy of the training provisions and sufficiency of the examinations.

12. Similarly, under Section 14 of the Indian Nursing Council Act, the respondent can withdraw recognition of an institution only on the ground that the courses or the standards of proficiency required from the candidates at examinations are not in conformity with the regulations made under the Indian Nursing Council Act or fall short of the standards required thereby.

13. Further, action can also be taken by the respondent in cases where the training or where the respondent is of the view that an institution recognised for training of nurses, midwives, auxiliary nurse-midwives or health visitors



does not satisfy the requirements of the respondent.

14. However, allegations as made by the petitioner herein with regard to financial misappropriation, fraudulent institutional management, etc. do not fall within the statutory authority of the INC.

15. Accordingly, the speaking order passed by the INC, as reproduced hereinabove, cannot be faulted with.

16. In case, the petitioner has any grievance from the aforesaid institutions, i.e., Dumka College of Nursing and Bina Karuna Trust, the petitioner is at liberty to seek remedies in accordance with law.

17. Noting the aforesaid, the present petition is accordingly disposed of.

MINI PUSHKARNA, J

SEPTEMBER 18, 2026

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