

**Government of Jammu and Kashmir  
Health & Medical Education Department  
Civil Secretariat, J&K-  
Jammu/Srinagar.**

**Subject:-** LPA No. 33/2022 CM. No. 907/2022 titled Association of Para Medical Institutes v/s UT of J&K and Ors.

**Government Order No. 443 –JK(HME) of 2022**

**Dated: 23-06- 2022**

**WHEREAS;** the Association of Para Medical Institutes filed a writ petition bearing number WP(c) **No.722/2021, CM No.2279/2021, WP(c) No.120/2021, CM No.442/2021** titled, "Association of Para Medical Institutes v/s UT of J&K & Ors." before the Hon'ble High Court at Srinagar and prayed for the following relief:-

*"Certiorari for quashing the notification bearing No.052-BOPEE of 2021 dated 10.04.2021 issued by BOPEE.*

*Mandamus commanding upon the respondents to allow the petitioner institutes to fill the left over seats by making admissions in accordance with the sanctioned seat matrix at the Institute level as has been done in case of polytechnic colleges approved.*

*Mandamus commanding upon the respondents to allow the petitioner Institutes to fill the left over seats in case the BOPEE is not a position to fill the left over seats at the Institute level on the same analogy as that of various private recognized polytechnic colleges allowed.*

*Mandamus commanding upon the respondents to frame a policy regarding filling up of left over vacant seats in the event the BOPEE is not in a position to fill the seats."*

**WHEREAS;** The Hon'ble High Court after consideration of the matter disposed of the writ petition filed by the Association on 08.09.2021 with the following directions:-

*"...In view of the aforesaid though, finding no merit in the pleas of the petitioners and acting purely on equitable consideration, these writ petitions are disposed of by directing the respondent No.1 to consider the grievance of*

*the petitioners, as projected in this petition, in light of the factors enumerated herein above and pass appropriate orders within a period of two weeks from the date a copy of this judgment is served upon him. Respondent No.1 shall do File No.ME-leg0NGAZ/42/2021-02-Department of Health and Medical Education well to take a decision in the matter on the analogy of the department of skill Development which has in the similar set of circumstances, permitted the polytechnic institutes to admit the students at their own level subject to the candidates meeting the eligibility criteria. This would not only save the institutes from being rendered unviable but it would also provide an opportunity to the candidates to acquire of ANM/ GNM. It is, however, left to the wisdom and good conscience of the respondents to act in the matter. Disposed of as above."*

**WHEREAS;** The case was examined in the department in light of the directions of the Hon'ble High Court passed in the above writ petition and also in light of the policy decisions taken by the Government In terms of SRO-505 of 2019 dated 20.08.2019 and the claim of the petitioner was found devoid of merit and accordingly rejected by way of issuance of speaking order vide No. 754-JK(HME) of 2021 dated 06.12.2021 wherein it has been made clear that any decision taken by the Skill Development Department in respect of the Polytechnics is specific to that Department and cannot be made as an analogy for granting such a concession for admissions in the Paramedical/ Nursing Institutes (Government or Private), which shall necessarily have to be made through J&K BOPEE, as per the policy decision taken by the Government in this regard. It is to be noted that the policy made is in pursuant to the Jammu and Kashmir Board of Professional Entrance Examinations Act, 2002.

**WHEREAS;** After issuance of aforesaid Government Order, the petitioner filed LPA bearing LPA No. 33/2022 - titled Association of Para Medical Institutes V/S UT of J&K and Others against aforesaid writ court judgement. The Hon'ble Division Bench of High Court Srinagar on 9.3.2022 passed following order in the said LPA:-

*"In the meantime, respondents shall proceed in implementing of the direction passed by the writ court on 08.09.2021, notwithstanding the direction that "it is, however left to the wisdom and good conscience of the respondents to act in the matter "*

**WHEREAS;** the Association of paramedical Institutes again represented before the Additional Chief Secretary , Health & Medical Education department with the plea that they may be allowed to fill up the seats at their own level. In this regard, a meeting was held under the Chairmanship of Additional Chief Secretary, Health & Medical Education Department on 12.11.2021 in which the representatives of the Association of Paramedical Institutes of J&K put forth their demands for filling up of the left-over vacant seats by the respective colleges / Institutions at their own level and it was decided that the department shall adhere to the decision already taken vide aforementioned Government Order.

**AND WHEREAS;** The Hon'ble Court vide aforesaid order dated 09.03.2022 left over matter to respondents with the direction to proceed in implementing of the direction passed by the writ court on 08.09.2021 notwithstanding the direction that "**it is, however left to the wisdom and good conscience of the respondents to act in the matter**".

Now, therefore, the case of the petitioners, having been considered in light of the directions of the Hon'ble High Court passed in the above writ petition and also in light of the policy decisions taken by the Government in terms of SRO-505 of 2019 dated 20.08.2019 and the claim of the petitioners is found devoid of merit and is, accordingly, rejected.

**By order of the Government of Jammu & Kashmir.**

**Sd/**

**(Manoj Kumar Dwivedi), IAS**

Principal Secretary to Government  
Health and Medical Education Department

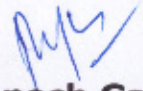
No. ME-leg0NGaz/42/2021-02

Dated: 23 .06.2022

Copy to the:-

1. Principal Secretary, to the Lieutenant Governor.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. President, J&K Paramedical Nursing/ Council.
4. Director, Archives, Archaeology & Museums, J&K, Jammu.

5. Additional Secretary (Law) Health & Medical Education Department.
6. OSD to Advisor (B) to the Lieutenant Governor (I/C Health & Medical Education).
7. Private Secretary to the Principal Secretary to the Government , Health and Medical Education Department.
8. Concerned.
9. Government order file/Stock file (w.3.s.c).



**(Pamposh Ganju)**

Under Secretary to Government  
Health & Medical Education Department

