



2026:AHCLKO:381-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 507 of 2025

Sanjeevani Nursing College Pratapgarh Thru.
Manager Shanti Lal Ram Yadav (Dr. S.R.
Yadav)

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of
Medical Health And Family Welfare Lko. And 4
Others

.....Respondent(s)

Counsel for Appellant(s) : Sharad Nandan Ojha, Adesh Kumar
Yadav, Akhand Pratap Singh
Counsel for Respondent(s) : C.S.C., Gyanendra Kumar
Srivastava, Rajiv Srivastava

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

C.M. Application No.1 of 2025

1. There is a delay of only 05 days in filing the appeal.
2. Counsel for the opposite parties do not have any objection to its condonation.
3. We are also satisfied with the explanation offered, therefore, we condone the delay.
4. Let regular number be allotted to the appeal.
5. The application is, accordingly, **allowed**.

Order on Memo

1. After hearing the parties and perusing the record what comes out is that the appellant-petitioner which was seeking recognition for running a nursing course had filed a writ petition bearing Writ-C No.1997/2025 seeking to challenge the deficiencies pointed out by

the opposite party no. 2 and its agents. During the course of argument prayer no. 1 in this regard was not pressed, however, prayer no. 2 was pressed which was regarding consideration of application dated 03.02.2025.

2. In the said representation dated 03.02.2025, the deficiencies as pointed out were put to challenge with a request to reconsider the grant of recognition for the aforesaid course. The same was rejected vide the order dated 02.05.2025. This order was put to challenge by means of a subsequent writ petition bearing Writ-C No.9841/2025.

3. The contention of appellant's counsel is that the appellant-petitioner had raised a challenge to the impugned order on merits i.e. on the ground that the deficiencies pointed out based on 3rd inspection were factually incorrect and were actuated by malafide, however, instead of considering the said plea, the writ-Court was persuaded to dismiss the same on the ground that 3rd inspection had taken place and there was no provision for a 4th inspection unless fresh fee was deposited which was not the case of the appellant-petitioner before the writ-Court.

4. We find merit in the submission of the appellant-petitioner. The writ-Court has not considered the pleas raised in the writ petition. There was no prayer in the writ petition made by the appellant-petitioner for getting a 4th inspection conducted, rather the appellant-petitioner was challenging the deficiencies as pointed out by the concerned opposite party on the basis of the 3rd inspection held on 21.08.2024.

5. As regards the contention of Shri Gyanendra Srivastava that the prayer challenging the deficiencies was not pressed in the 1st round of litigation, therefore, this plea was not open in the 2nd writ petition, the same is misconceived for the reason that while not pressing the first prayer in the first writ petition the second prayer was pressed and in the second prayer which was for disposal of representation in essence the challenge was made to the

deficiencies pointed out, therefore, all that it meant was that the writ-Court was not required to see the deficiencies on merit, rather the opposite parties themselves were required to see the same on the representation of the appellant-petitioner, therefore, this contention is rejected.

6. We, accordingly, **set-aside** the impugned order. Consequently, Writ-C No.9841/2025 shall stand restored to its original number and shall now be considered keeping in mind the observations made herein above and shall be decided after considering the pleas raised by the appellant-petitioner and the concerned opposite parties.

7. We make it clear that we have not at all touched upon the merits of the issues which may be involved in the writ petition but have **allowed** the appeal only on the ground that the relevant pleas were not considered.

January 6, 2026
MVS/-

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)