

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

**HON'BLE SHRI JUSTICE ANAND PATHAK
&
HON'BLE SHRI JUSTICE ASHISH SHROTI**

ON THE 23rd OF JUNE, 2025

WRIT PETITION NO. 19909 of 2025

**PRESTON SCHOOL OF NURSING
Vs.
THE STATE OF MADHYA PRADESH & ANR.**

APPEARANCE:

*Shri Rakshit Gupta – Advocate for the petitioner.
Shri Vivek Khedkar – Additional Advocate General for
respondents/State.*

ORDER

1. The present petition under Article 226 of the Constitution is preferred by the petitioner seeking following reliefs:

“a) Kindly be please to allow the present petition and direct the Respondent no.2 to re- open the payment link upon the MPNRC portal for a single day so that the present petitioner could submit the payment for his application form, alternatively the Respondent no.2 may kindly be directed to accept the payment for the application of the present petitioner by way of offline mode i.e. via Demand Draft.

b) Any other relief as this Hon’ble Court deem fit in the present facts and circumstance of the case”

2. It is the submission of learned counsel for the petitioner that

petitioner is a society which is running the nursing college in Gwalior. According to petitioner, respondent No.2 is not providing link to the petitioner to submit application form and pay recognition fee for the academic session of 2025-26 while petitioner fulfills all the requisites. Petitioner tried to submit the application form and recognition fee but due to technical glitch the same is not completed, therefore, no fault can be attributed to the petitioner. Petitioner deposited the form for renewal of recognition prior to the last date but it could not be proceeded due to technical glitch on part of respondents. Petitioner invested money in development of infrastructure of college, therefore, he be permitted to submit application form and fee. Thus, prayed that respondent No.2 be directed to provide link so that petitioner may complete all the formalities. In order to bolster his submission reliance has been placed over the decision of **M/s Sethi Sons (India) Vs. Assistant Commissioner and others {W.P.(C) 4179/2022}** decided vide order dated 22-12-2023.

3. Learned counsel for the respondents/State opposed the submission made by the petitioner's counsel and submits that it was the lapse on part of petitioner which did not choose to complete all the formalities before the last date i.e. 28-05-2025 and even after extension of that last date also i.e. upto 31-05-2025. Petitioner made misstatement before the Vacation Bench in order to get interim relief that it has deposited the form for renewal of recognition prior to last date, while this fact is not correct. Thus, prayed for dismissal of this petition.
4. Heard learned counsel for the parties and perused the documents appended thereto.
5. This is a case where petitioner is seeking the direction to provide link

and accept recognition fee from the petitioner. On the pretext of technical error petitioner allegedly could not get the chance to submit form online whereas several institutions filled up the forms taking the same route through online.

6. When matter was listed before Vacation Bench, then counsel for the petitioner made representation of facts to the extent that petitioner deposited the form for renewal prior to the last date but on account of certain error in payment portal, payment could not be made on or before 31-05-2025. Therefore, the Vacation Bench vide order dated 09-06-2025 directed the respondents to accept the fee from the petitioner for which application was received prior to 31-05-2025. However that fact was not correct in view of the reply filed by respondent No.2 – Nursing Counsel.
7. Shri Khedkar specifically submits that procedure is prescribed for submission of form and fee. Form was not accepted initially because portal is designed in such a manner that if any deficiency in application form exists, then portal does not allow the applicant to proceed further. In the present case, duplicacy of faculty exists because faculty which was shown by petitioner in its college was working in some other college also. Her description was written by other college also as their faculty. Therefore, admission form of petitioner was never accepted.
8. Therefore, it appears that petitioner made misstatement before the Vacation Bench on 09-06-2025 to get undue sympathy of this Court to get interim relief. However, no form was proceeded at the instance of petitioner. Therefore, the question of submitting the fee did not arise. Even otherwise, today grievance of petitioner is that fee could not be processed whereas petitioner was ready. That argument pales

into oblivion if he is making misstatement and the very application was not processed because of default/deficiency. Even otherwise, fraud vitiates all solemn proceedings. It is well settled principle of law that Fraud Vitiates Everything {See: **R. Ravindra Reddy Vs. H. Ramaiah Reddy, (2010) 3 SCC 214, Badami Bai (D) Tr. L.R. Vs. Bhali, (2012) 11 SCC 574, Uddar Gagan Properties Ltd. Vs. Sant Singh, (2016) 11 SCC 378, K.D. Sharma Vs. SAIL, (2008) 12 SCC 481, Express Newspapers (P) Ltd. Vs. Union of India, (1986) 1 SCC 133, DDA Vs. Skipper Construction, (2007) 15 SCC 601** and in the case of **Jai Narain Parasrampuriah Vs. Pushpa Devi Saraf**, reported in **(2006) 7 SCC 756**.

9. If the prayer of petitioner is accepted then it would be amounting to rescheduling the programme fixed by the respondents which is not permissible due to alleged technical error.
10. Process for grant of recognition was started w.e.f. 20-05-2025 and last date of submission of online form and depositing fee was 28-05-2025. Subsequently, aforesaid date was extended on the joint request made by various institutions and it was extended upto 31-05-2025, therefore, 12 days were given to the applicants to submit application form and deposit the fee. Petitioner did not avail the same. Perusal of reply filed by Madhya Pradesh State Nurses Registration Council (respondent No.2 herein) indicates that lapse was on the part of petitioner only. As many as 364 institutions have submitted their forms for academic session 2025-26 and 21 Government Institutions submitted online forms along with payment of fee.
11. After considering the reply filed by the respondents and the fact situation where petitioner had sufficient opportunity to submit application form and fee, this Court cannot exercise its discretionary

jurisdiction for extension of last date without any cogent reason and without any violation of fundamental or other legal rights of petitioner. Lapse of petitioner cannot be made good by extension of time. The Judgment relied upon by the petitioner moves in different factual realm.

12. Besides that, MP OnLine improved their portal/system so that no duplicity of faculty can be utilized by the person like petitioner for getting undue advantage. Therefore, the petition preferred by the petitioner appears to be misconceived.
13. In the conspectus of facts and circumstances of the case, this Court does not find any reason warranting interference in the present case. The petition sans merits and is hereby **dismissed**.

Anil*

(ANAND PATHAK)
JUDGE

(ASHISH SHROTI)
JUDGE