

**IN THE HIGH COURT OF MADHYA PRADESH, JABALPUR**

**BEFORE  
SHRI JUSTICE SUJOY PAUL  
&  
SHRI JUSTICE DWARKA DHISH BANSAL**

**ON THE 30<sup>th</sup> MARCH, 2022**

**WRIT PETITION No.2487 of 2022**

**BETWEEN :-**

Kamni Tripathi, Aged about  
25 years, D/o Shri Satyendra  
Tripathi, Occupation-  
Student, B.Sc.. Nursing,  
Govt. Nursing College Satna,  
District-Satna (M.P.)

**.....Petitioner**

(By Shri Anoop Ji Choudhary, Senior Advocate with Ms. June Choudhary,  
Senior Advocate and Shri M.P. Shukla, Advocate with Ms. Ekta  
Choudhary, Advocate.)

**AND**

1. State of Madhya Pradesh  
Through its Principal  
Secretary, Public Health and  
Family Welfare Department,  
Mantralaya, Vallabh Bhawan,  
Bhopal (M.P.)
2. The Director/Commissioner,  
Directorate of Health

Services, Satpuda Bhawan,  
Bhopal (M.P.).

3. The Additional Director Nursing, Directorate of Health Services Satpuda Bhawan, Bhopal (M.P.).
4. The Chief Executive Officer, MP-Online Ltd. Bhopal (M.P.).
5. The Chief Medical and Health Officer, Satna, District-Satna (M.P.).
6. The Principal, Govt. Nursing College, Satna, District-Satna, (M.P.).

.....**Respondents**

(By Ms. Janhavi Pandit, Deputy Advocate General)

**WRIT PETITION No.2661 of 2022**

**BETWEEN :-**

Ranjeeta Jhinhonkar, aged  
23 years, Occupation-  
Student, D/oShriRameshwar  
Jhinhonkar R/O Ward No.1,  
Mau Chhindwara, Madhya  
Pradesh 480107.

.....**Petitioner**

(By Shri Anoop Ji Choudhary, Senior Advocate with Ms. June Choudhary, Senior Advocate and Shri M.P. Shukla, Advocate with Ms. Ekta Choudhary, Advocate.)

**AND**

1. State of Madhya Pradesh Through its Principal Secretary, Higher Education, , Vallabh Bhawan, Bhopal (M.P.)
2. Nursing Directorate of Health Services, Through Director, Madhya Pradesh 6<sup>th</sup>, Floor, Satpuda Bhawan, Bhopal (M.P.).
3. Rani Durgawati B.S.C. Nursing College, Through Principle, Near Dr. Radha Krishnan Chowk, South Civil Lines, Jabalpur, Madhya Pradesh-482001.

.....**Respondents**

(By Ms. Janhavi Pandit, Deputy Advocate General)

**WRIT PETITION No.2733 of 2022**

**BETWEEN :-**

1. Pooja Singh aged 23 years, D/o Shri Shiv Pratap Singh, Occupation: Student R/o B.S.C. Nursing College, Raisen (M.P.).

2. Laxmi Haldhar, aged 24 years, D/o Shri Basant Haldhar, Occupation: Student R/o Village Mahakpar Tehsil Tirodi, District Balaghat, (M.P.).

3. Jaya Pal aged 20 years, D/o Shri Moolchand Pal, Occupation: Student R/o Village Pathai, P.O. Chawlapani Pathai, Chhindwara (M.P.).

4. Aditi Saini aged 20 years, D/o Shri Rakesh Kumar Saini, Occupation: Student R/o E.W.S. -8, Karoda Nala, Bypass, Mehrajpur Housing Board Colony Subhash Nagar, Khajri, Jabalpur (M.P.).

5. Sushma Pal aged 22 years, D/o Shri Jagdish Pal, Occupation: Student R/o Deshbandu Ward-12, Tikari Betul (M.P.).

6. Nikita Patle aged 21 years D/o Shri Nekhram Patle Occupation-Student R/O P.G.College Seoni (M.P.)

7. Darshna Patel aged 21 years D/o Shri Rajkumar Patel Occupation: Student R/o Ward No.17, Anjanika Shanti Nagar, Anjanika, Mandla (M.P.).

.....**Petitioner**

(By Shri Anoop Ji Choudhary, Senior Advocate with Ms. June Choudhary, Senior Advocate and Shri M.P. Shukla, Advocate with Ms. Ekta Choudhary, Advocate.)

**AND**

1. State of Madhya Pradesh Through Principal Secretary, Higher Education Department Vallabh Bhawan, Bhopal (M.P.)
2. Nursing Directorate of Health Services, Director, Madhya Pradesh 6<sup>th</sup> Floor, Satpuda Bhawan, Bhopal (M.P.).
3. Rani Durgawati B.S.C. Nursing College, Through Principle, Near Dr. Radha Krishnan Chowk, South Civil Lines, Jabalpur, Madhya Pradesh -482001.
4. B.S.C. Nursing College, Agar Rd. Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh -456006.
5. B.Sc. Nursing College Through Principal, Govt. College, Dewas, M.P.
6. B.Sc. Nursing College, Through Principal, Govt. College, Satna, M.P.
7. B.Sc. Nursing College, Through Principal, Govt. College, Raisen, M.P.

8. B.Sc. Nursing College,  
Through Principal, Govt.  
College, Datia, M.P.
9. B.Sc. Nursing College,  
Through Principal, Govt.  
College, Vidisha, M.P.
10. B.Sc. Nursing College,  
Through Principal, Govt.  
College, Jhabua, M.P.
11. B.Sc. Nursing College, Govt.  
College, Principal Govt.  
College, Mandsaur, M.P.

.....**Respondents**

(By Ms. Janhavi Pandit, Deputy Advocate General)

**WRIT PETITION No.4231 of 2022**

**BETWEEN:-**

1. Swati Gayakwad, Age-  
D/o Shri Sankar Rao  
Gayakwad R/o Rani  
Durgawati, B.Sc. Bursing  
College, Near Dr. Radha  
Krishnan Chowk, South  
Civil Lines, Jabalpur,  
Madhya Pradesh 482001
2. Heena Tumsare, Age-D/o  
Shri Tila Ram Tumsare R/o  
Rani Durgawati B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,

South Civil Lines, Jabalpur,  
Madhya Pradesh 482001.

3. Pratibha Devi Kewat, D/o  
Shri Gyan Prasad Kewat, R/o  
Rani Durgawati B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001.

4. Sakshi Sikarwar, Age-D/o  
Shri Brijesh Sikarwar, R/o  
Rani Durgawati B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001.

5. Anjali Gupta, Age-25, D/o  
Shri B.N. Gupta, R/o B.Sc.  
Nursing College, Satna,  
District-Satna, Madhya  
Pradesh.

6. Nikita Nagpure, Age- D/o  
Shri Arun Nagpure, R/o Rani  
Durgawati B.Sc. Nursing  
College, Near Dr. Radha  
Krishnan Chowk, South  
Civil Lines, Jabalpur,  
Madhya Pradesh 482001.

7. Deepa Pawar, Age-23,  
D/o Shri Nanakram Pawar  
R/o Rani Durgawati B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001

8. Muskan Yadav, Age-21  
D/o Shri Rajendra Yadav,

R/o Rani Durgawati, B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001

9. Pratiksha Chaudhary,  
Age-20 D/o Shri Pramod  
Kumar Chaudhary, R/o Rani  
Durgawati, B.Sc. Nursing  
College, Near Dr. Radha  
Krishnan Chowk, South  
Civil Lines, Jabalpur,  
Madhya Pradesh 482001

10. Sonali Pawar, Age-21,  
D/o Shri Ganpati Pawar, R/o  
Rani Durgawati, B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001

11. Pragati Sahu, Age-19,  
D/o Shri Ashok Sahu, R/o  
Rani Durgawati, B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001

12. Sejal Keshwarwani,  
Age-21, D/o Shri Ramlal  
Kesharwani, R/o Rani  
Durgawati, B.Sc. Nursing  
College, Near Dr. Radha  
Krishnan Chowk, South  
Civil Lines, Jabalpur,  
Madhya Pradesh 482001

13. Kajal Singh Lodhi, Age-  
20, D/o Shri Narayan Singh  
Lodhi, R/o Rani Durgawati,



B.Sc. Nursing College, Near  
Dr. Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001

14. Akansha Yadav, Age-19,  
D/o Shri Rajesh Yadav, R/o  
Rani Durgawati, B.Sc.  
Nursing College, Near Dr.  
Radha Krishnan Chowk,  
South Civil Lines, Jabalpur,  
Madhya Pradesh 482001

15. Nikita Garjalwar, Age-  
19, D/o Shri Manohar  
Garjalwar, R/o B.Sc. Nursing  
College, Satna, Madhya  
Pradesh

16. Sakshi Chandrol, Age-19,  
D/o Mother of Shri Geeta  
Chandrol, R/o B.Sc. Nursing  
College, Satna, Madhya  
Pradesh.

17. Shivani Kushwaha,  
Age-21, D/o Shri Shivram  
Kushwaha, R/o B.Sc.  
Nursing College, Satna,  
Madhya Pradesh

18. Anjali Tomar, Age-20,  
D/o Shri Ram Naresh Tomar,  
R/o B.Sc. Nursing College,  
Satna, Madhya Pradesh

19. Neelima Dwivedi,  
Age-23, D/o Shri  
Kamleshwar Prasad Dwivedi  
R/o B.Sc. Nursing College,  
Satna, Madhya Pradesh

20. Dhanshree, Age-20, D/o  
Shri Purshotam Chauhan R/o

B.Sc. Nursing College,  
Satna, Madhya Pradesh.

21. Sushma Mishra, Age-21, D/o Shri Revtiraman Mishra R/o B.Sc. Nursing College, Satna, Madhya Pradesh.

22. Laxmi Kushwaha, Age-21, D/o Shri Ramakant Kushwaha, R/o B.Sc. Nursing College, Satna, Madhya Pradesh.

23. Ankita Tiwari, Age-18, D/o Shri Satish Tiwari, R/o B.Sc. Nursing College, Satna, Madhya Pradesh.

24. Amrita Kesharwani, Age-19, D/o Shri Rohini Kesharwani, R/o B.Sc. Nursing College, Satna, Madhya Pradesh.

25. Lalita Kewat, Age-24, D/o Shri Pritam, R/o B.Sc. Nursing College, Satna, Madhya Pradesh.

26. Pragya Vishwakarma, Age-21, D/o Shri Krishna Vishwakarma, R/o B.Sc. Nursing College, Satna, Madhya Pradesh.

27. Vandana Mishra Age-19, D/o Shri Rajkumar Mishra, R/o B.Sc. Nursing College, Satna, Madhya Pradesh

28. Manshi Rangdale, Age-21, D/o Shri Tikeshwar Rangdale, R/o Govt. B.Sc.

Nursing College, Jhabua,  
Madhya Pradesh

29. Devika Sulakhe, Age-20,  
D/o Shri Manoj Sulakhe  
Tikeshwar Rangdale, R/o  
Govt. B.Sc. Nursing College,  
Jhabua, Madhya Pradesh

30. Deepshikha Sahu, Age-  
20, D/o Sri Onkar Sahu,  
Govt. B.Sc. Nursing College,  
Jhabua, Madhya Pradesh.

31. Reeta Devi Patel, Age-  
21, D/o Sri Rajmani Patel,  
Govt. B.Sc. Nursing College,  
Jhabua, Madhya Pradesh.

32. Susma Pal, Age-23, D/o  
Sri Jagdish Pal, Govt. B.Sc.  
Nursing College, Jhabua,  
Madhya Pradesh.

33. Aarti Patel, Age-20, D/o  
Sri Mani Prasad Patel, Govt.  
B.Sc. Nursing College,  
Jhabua, Madhya Pradesh.

34. Yaminee Kumbhalawar  
Age-21, D/o Sri Sanjeev  
Kumbhalawar, Govt. B.Sc.  
Nursing College, Jhabua,  
Madhya Pradesh.

35. Khusbu Parmar Age-21,  
D/o Sri Chaturbhuj Parmar,  
Govt. B.Sc. Nursing College,  
Jhabua, Madhya Pradesh.

36. Kiran Pandey, Age-23,  
D/o Sri Girish Pandey, Govt.  
B.Sc. Nursing College,  
Jhabua, Madhya Pradesh.

37. Nashirun Nisha, Age-19,  
D/o Sri Mohd. Jameel Govt.  
B.Sc. Nursing College,  
Jhabua, Madhya Pradesh.

38. Divya Bagel, Age-19,  
D/o Sri Pramod Bagel  
Govt. B.Sc. Nursing College,  
Jhabua, Madhya Pradesh

39. Anishka Bhawasar, Age-  
19, D/o Sri Raju Bhawasar,  
R/o Govt. B.Sc. Nursing  
College, Datia, Madhya  
Pradesh.

40. Kanchan Gupta, Age-19,  
D/o Sri Ghanshyam Gupta,  
R/o Govt. B.Sc. Nursing  
College, Datia, Madhya  
Pradesh.

41. Megha Tanwar, Age-20,  
D/o Sri Dharmendra Tanwar  
Govt. B.Sc. Nursing College,  
Datia, Madhya Pradesh.

42. Nisha Panchale, Age-21,  
D/o Sri Lalsay Panchale ,  
Govt. B.Sc. Nursing College,  
Datia, Madhya Pradesh.

43. Roshni Soni, Age-22,  
D/o Sri Mahesh Soni, Govt.  
B.Sc. Nursing College,  
Datia, Madhya Pradesh.

44. Rita Devi Kushwaha,  
Age-20, D/o Sri Kalicharan  
Kushwaha, Govt. B.Sc.  
Nursing College, Datia  
Madhya Pradesh.

45. Arti Kushwaha, Age-23,  
D/o Sri Shiv Prasad

Kushwaha, Govt. B.Sc.  
Nursing College, Datia  
Madhya Pradesh.

46. Roshni Chaudhary, Age-  
21, D/o Sri Rameshwar  
Chaudhary, Govt. B.Sc.  
Nursing College, Datia  
Madhya Pradesh.

47. Priya Age-21, D/o Sri  
Daya Mani Patel, Govt.  
B.Sc. Nursing College, Datia  
Madhya Pradesh.

48. Palak Pawar, Age-21,  
D/o Sri Kishore Pawar, Govt.  
B.Sc. Nursing College,  
Datia, Madhya Pradesh.

49. Ruchi Kumar Mishra  
Age-21, D/o Sri Ram Dular  
Mishra, Govt. B.Sc. Nursing  
College, Datia Madhya  
Pradesh.

50. Amisha Patel Age-21,  
D/o Sri Awakalal Patel, R/o  
Govt. B.Sc. Nursing College,  
Datia Madhya Pradesh.

51. Rekha Vishwakarma  
Age-20, D/o Sri Ram Lallu  
Vishwakarma, R/o Govt.  
B.Sc. Nursing College, Datia  
Madhya Pradesh.

52. Anjali Bachhle Age-20,  
D/o Sri Vinod Bachhle, R/o  
Govt. B.Sc. Nursing College,  
Datia, Madhya Pradesh.

53. Divya Khade Age-19,  
D/o Sri Prayagra Khade, R/o

Govt. B.Sc. Nursing College,  
Dewas Madhya Pradesh.

54. Laxmi Shriwastri Age-19, D/o Sri Veer Singh Shriwastri, R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

55. Madhuri Kushwaha Age-20, D/o Sri Janki Kushwaha, R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

56. Reetu Yadav Age-20, D/o Sri Santram R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

57. Laxmi Hatwar Age-23, D/o Sri Basant Hatwar, R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

58. Neelam, Age-19, D/o Sri Satya Narayan R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

59. Anjali Mandal, Age-21, D/o Sri Gopal Mandal R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

60. Diksha Maheshwari, Age-21, D/o Sri Chandra Kishore Maheshwari, R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

61. Sweta Rathore, Age-20, D/o Sri Ganesh Rathore R/o Govt. B.Sc. Nursing College, Dewas Madhya Pradesh.

62. Savita Prajapati Age-21,  
D/o Sri Om Prakash  
Prajapati, R/o Govt. B.Sc.  
Nursing College, Dewas  
Madhya Pradesh.
63. Seema Jaiswal, Age-19,  
D/o Sri Babulal Jaiswal , R/o  
Govt. B.Sc. Nursing College,  
Dewas Madhya Pradesh.
64. Nikita, Age-18, D/o Sri  
Hira Lal Funde , R/o Govt.  
B.Sc. Nursing College,  
Dewas Madhya Pradesh.
65. Deepika Pal, Age-19,  
D/o Sri Shiv Kumar Pal , R/o  
Govt. B.Sc. Nursing College,  
Dewas Madhya Pradesh.
66. Kanchan Haldkar, Age-  
18, D/o Sri Mahendra  
Haldkar, R/o Govt. B.Sc.  
Nursing College, Dewas  
Madhya Pradesh.
67. Divya Watra Age-19,  
D/o Sri Satish Watra, R/o  
Govt. B.Sc. Nursing College,  
Dewas Madhya Pradesh.
68. Ritu Dangi, Age-21, D/o  
Sri Goverdhan Lal Dangi,  
R/o Govt. B.Sc. Nursing  
College, Dewas Madhya  
Pradesh.
69. Alka Chandrol, Age-22,  
D/o Sri Ashok Chandrol, R/o  
Govt. B.Sc. Nursing College,  
Anuppur, Madhya Pradesh  
484224.

70. Kajal Nagpure Age-24,  
D/o Sri Fulchand, R/o Govt.  
B.Sc. Nursing College,  
Anuppur, Madhya Pradesh  
484224.

71. Lali Thakre Age-22, D/o  
Sri Takeshwar, R/o Govt.  
B.Sc. Nursing College,  
Anuppur, Madhya Pradesh  
484224.

72. Ritu Chouksey Age-20,  
D/o Sri Ganga Chouksey,  
R/o Govt. B.Sc. Nursing  
College, Anuppur, Madhya  
Pradesh 484224.

73. Sweta Shukla, Age-19,  
D/o Sri Umakant Shukla, R/o  
Govt. B.Sc. Nursing College,  
Anuppur, Madhya Pradesh  
484224

74. Pooja Adlak, Age-19,  
D/o Sri Santosh Adlak, R/o  
Govt. B.Sc. Nursing College,  
Agar Road, Sudama Nagar,  
Sirsagar, Ujjain, Madhya  
Pradesh 456006.

75. Pragati Patle, Age-21,  
D/o Sri Rajesh Patle, R/o  
Govt. B.Sc. Nursing College,  
Agar Road, Sudama Nagar,  
Sirsagar, Ujjain, Madhya  
Pradesh 456006.



76. Nikita Nagar, Age-20,  
D/o Sri Dinesh Nagar, R/o  
Govt. B.Sc. Nursing College,  
Agar Road, Sudama Nagar,  
Sirsagar, Ujjain, Madhya  
Pradesh 456006.

77. Akansha Kushwaha,  
Age-21, D/o Sri Arun  
Kushwaha , R/o Govt. B.Sc.  
Nursing College, Agar Road,  
Sudama Nagar, Sirsagar,  
Ujjain, Madhya Pradesh  
456006.

78. Roshni Pandagare, Age-  
20, D/o Sri Krishna  
Pandagare, R/o Govt. B.Sc.  
Nursing College, Agar Road,  
Sudama Nagar, Sirsagar,  
Ujjain, Madhya Pradesh  
456006.

79. Jaya Pal, Age-19, D/o Sri  
Mool Chand Pal, R/o Govt.  
B.Sc. Nursing College, Agar  
Road, Sudama Nagar,  
Sirsagar, Ujjain, Madhya  
Pradesh 456006.

80. Anshu Dangi, Age-21,  
D/o Sri Surajmal Dangi, R/o  
Govt. B.Sc. Nursing College,  
Agar Road, Sudama Nagar,  
Sirsagar, Ujjain, Madhya  
Pradesh 456006.

81. Sonika Sahu, Age-19,  
D/o Sri Bajarilal Sahu, R/o  
Govt. B.Sc. Nursing College,  
Agar Road, Sudama Nagar,  
Sirsagar, Ujjain, Madhya  
Pradesh 456006.

82. Akansha Kushwaha, Age-19, D/o Sri Rajbajoran Kushwaha, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh 456006

83. Uma Vishwakarma, Age-21, D/o Sri Radheshyam Vishwakarma, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh 456006.

84. Karina Rathore, Age-21, D/o Sri Nansraj Rathore, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh 456006.

85. Heena Vishwakarma, Age-22, D/o Sri Ravishankar Vishwakarma, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh 456006.

86. Sakshi Patel, Age-20, D/o Sri Ramanuj Patel, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh 456006.

87. Sheetal Yadav, Age-19, D/o Sri Lal Singh Yadav, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar,

Sirsagar, Ujjain, Madhya Pradesh 456006.

88. Kriti Verma, Age-21, D/o Sri Mohan Verma, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh 456006.

89. Durgawati Gupta, Age-22, D/o Sri Pushpraj Gupta, R/o Govt. B.Sc. Nursing College, Agar Road, Sudama Nagar, Sirsagar, Ujjain, Madhya Pradesh 456006.

90. Nikita, Age-20, D/o Sri Nekhram Patle, R/o Govt. B.Sc. Nursing College, Mandsaur, Madhya Pradesh.

91. Jyoti Patidar, Age-23, D/o Sri Nandkishore Patidar, R/o Govt. B.Sc. Nursing College, Mandsaur, Madhya Pradesh.

92. Shobha, Age-21, D/o Sri Ramadhar Singh, R/o Govt. B.Sc. Nursing College, Mandsaur, Madhya Pradesh.

**93.** Priya Kushwaha, Age-19, D/o Sri Devendra Kushwaha, R/o Govt. B.Sc. Nursing College, Mandsaur, Madhya Pradesh.

94. Archana, Age-20, D/o Sri Harish Patidar, R/o Govt. B.Sc. Nursing College, Mandsaur, Madhya Pradesh.

95. Aayushi Rathor, Age-23,  
D/o Sri Arjun Rathor, R/o  
Govt. B.Sc. Nursing College,  
Mandsaur, Madhya Pradesh.

96. Archana Pal, Age-20, D/o  
Sri Ramyash Pal, R/o Govt.  
B.Sc. Nursing College,  
Mandsaur, Madhya Pradesh.

97. Riya Namdev, Age-25,  
D/o Sri Prakash Namdeo,  
R/o Govt. B.Sc. Nursing  
College, Mandsaur, Madhya  
Pradesh.

98. Nishita Makhwana, Age-  
20, D/o Sri Kishore  
Makhwana , R/o Govt. B.Sc.  
Nursing College, Mandsaur,  
Madhya Pradesh.

99. Afreen Khan, Age-21,  
D/o Sri Habbu Khan, R/o  
Govt. B.Sc. Nursing College,  
Mandsaur, Madhya Pradesh.

100. Kavita Patidar, Age-19,  
D/o Sri Mukesh Patidar, R/o  
Govt. B.Sc. Nursing College,  
Mandsaur, Madhya Pradesh.

101. Pooja Tembhre, Age-21,  
D/o Sri Dilip Tembhre, R/o  
Govt. B.Sc. Nursing College,  
Vidisha, Madhya Pradesh.

102. Madhuri Yadav, Age-22,  
D/o Sri Deepak Yadav, R/o  
Govt. B.Sc. Nursing College,  
Vidisha, Madhya Pradesh.

103. Aashu Sahu, Age-23,  
D/o Sri Rajkumar Sahu, R/o

Govt. B.Sc. Nursing College,  
Vidisha, Madhya Pradesh.

104. Garima Thakur, Age-21,  
D/o Sri Rewat Singh Thakur,  
R/o Govt. B.Sc. Nursing  
College, Vidisha, Madhya  
Pradesh.

105. Nandni Agarwal, Age-  
20, D/o Sri Ghanshyam Das  
Agarwal, R/o Govt. B.Sc.  
Nursing College, Vidisha,  
Madhya Pradesh.

106. Shivani, Age-20, D/o  
Sri Shiv Kishor, R/o Govt.  
B.Sc. Nursing College,  
Vidisha, Madhya Pradesh.

107. Rashmi Choure, Age-  
23, D/o Sri Jeevan Choure,  
R/o Govt. B.Sc. Nursing  
College, Vidisha, Madhya  
Pradesh.

108. Aakansha Dhote, Age-  
21, D/o Sri Yashwant  
Rao, R/o Govt. B.Sc. Nursing  
College, Vidisha, Madhya  
Pradesh.

109. Mahi Chourasiya, Age-  
19, D/o Sri Dwarka Prasad  
Chourasiya, R/o Govt. B.Sc.  
Nursing College, Vidisha,  
Madhya Pradesh.

110. Rashmi Shrivastava, Age-  
23, D/o Sri Pradeep Shrivastava,  
R/o Govt. B.Sc. Nursing  
College, Vidisha, Madhya  
Pradesh.

111. Aditi Saini, Age-19, D/o Sri Rakesh Kumar Saini, R/o Govt. B.Sc. Nursing College, Vidisha, Madhya Pradesh.

112. Palak, Age-20, D/o Sri Santosh, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

113. Palak Chouksey, Age-21, D/o Sri Mahesh Kumar Chouksey, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

114. Shruti Adlak, Age-21, D/o Sri Amrit Rao Adlak, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

115. Preeti Pawar, Age-20, D/o Sri Rewaram Pawar, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

116. Prachi Lowanshi, Age-22, D/o Sri Pradeep Lowanshi, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

117. Bindu Rangdale, Age-21, D/o Sri Suraj Rangdale, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

118. Roopanshi Patel, Age-21, D/o Sri Rajkumar Patel, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

119. Aishwarva Thakur, Age-20, D/o Sri Bahadur S. Thakur, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

120. Manisha Lilhare, Age-20, D/o Sri Balchand Lilhare, R/o Govt. B.Sc. Nursing College, Raisen, Madhya Pradesh.

121. Reshmi Vishwakarma, Age-21, D/o Sri Suresh Vishwakarma, R/o Govt. B.Sc. Nursing College, Satna, Madhya Pradesh.

All the petitioners are students.

.....**Petitioners**

(By Shri Anoop Ji Choudhary, Senior Advocate with Ms. June Choudhary, Senior Advocate and Shri M.P. Shukla, Advocate with Ms. Ekta Choudhary, Advocate.)

**AND**

1. State of Madhya Pradesh Through Principal Secretary, Higher Education Department Vallabh Bhawan, Bhopal (M.P.)
2. Nursing Directorate of Health Services, Through Director, Madhya Pradesh 6<sup>th</sup> Floor Satpuda Bhawan, Bhopal (M.P.).

3. Rani Durgawati B.Sc. Nursing College, Through Principle, Near Dr. Radha Krishnan Chowk, South Civil Lines, Jabalpur, Madhya Pradesh-482001
4. B.S.C. Nursing College, Agar Road, Sudama Nagar, Sisagar Ujjain, M.P.-456006 Through Principal.
5. B.Sc. Nursing College, Through Principal Dewas (M.P.).
6. B.Sc. Nursing College Through Principal Satna, District Satna (M.P.).
7. B.S.C. Nursing College Through Principal Raisen, District Raisen (M.P.).
8. B.Sc. Nursing College Through Principal Datia, District Datia (M.P.).
9. B.Sc. Nursing College Through Principal Vidhisha, District Vidhisha (M.P.).
10. B.Sc. Nursing College Through Principal Jhabua, District Jhabua (M.P.).
11. B.Sc. Nursing College Through Principal Mandsaur, District Mandsaur (M.P.).
12. B.S.C. Nursing College Through Principal Anuppur, District Anuppur (M.P.)



.....Respondents

(By Ms. Janhvi Pandit, Deputy Advocate General)

**WRIT PETITION No.4543 of 2022**

**BETWEEN :-**

Prachi Verma D/o Anil  
Kumar, Aged About 21  
Years, Occupation: Student  
154, Vijay Nagar Chapar  
Ranipur, Near Talaiya, Post  
Office Vidyut Nagar,  
Jabalpu, Madhya Pradesh  
-42008.

.....Petitioner

(By Shri Anoop Ji Choudhary, Senior Advocate with Ms. June Choudhary,  
Senior Advocate and Shri M.P. Shukla, Advocate with Ms. Ekta  
Choudhary, Advocate.)

**AND**

1. State of Madhya Pradesh  
Through its Principal  
Secretary, Higher Education  
Deptt. Vallabh Bhawan  
Bhopal (Madhya Pradesh).
2. Nursing Directorate of Health  
Service, through Director,  
Madhya Pradesh, 6<sup>th</sup> Floor,  
Satpura Bhawan, Bhopal,  
M.P.

3. Govt. B.Sc. Nursing College  
Through Principal Ghawari  
Satna M.P. (Madhya Pradesh)

.....Respondents

(By Ms. Janhvi Pandit, Deputy Advocate General)

Whether approved for reporting	YES
<p><b>Law Laid down :-</b></p>	<p>1. <b>R-17 of “शासकीय बी.एस.सी. नर्सिंग महाविद्यालयों में प्रशिक्षण हेतु चयन के नियम” :-</b> It prescribes method of cancellation of admission. The respondents cancelled the second round of counselling for alleged non-following of reservation roster without following the procedure laid down in Rule 17. The court held that if rules prescribes a thing to be done in a particular manner, other methods cannot be followed.</p> <p>2. <b>Order dated 20.2.2022 :-</b> The second round of counselling and admission are cancelled by stating that <i>for certain reasons</i>, reservation roster could not be followed. The reasons are vague and runs contrary to rule 10 of the Niyamawali.</p> <p>3. <b>M.P. Online:-</b> द्वारा काउंसलिंग प्रक्रिया के लिये नियमावली, (Niyamawali) :- The selection rule is general in nature whereas Niyamawali contains special provisions for the purpose of counselling. Rule 10 of Niyamawali permits adding of left out seats of first round of counselling in the second round</p>

of counselling and fill them up by open category candidates. No fault can be found in the selection process of petitioners.

4. **Principles of Natural Justice :-** Impugned order entails civil consequences and takes away the right already created in favour of the petitioners to their detriment. Such an order could not have been passed without following the Principles of Natural Justice.

5. **Theory of Useless Formality :-** The argument of State is repelled that Theory of Useless Formalities will be applicable in the instant case. It cannot be said that if petitioners would have been put to notice before passing the impugned order, they would not have any defence. Impugned order causes serious prejudice to the petitioners and, therefore, Theory of Useless Formality is inapplicable.

6. **Interpretation of Statute :-** If law prescribes a thing to be done in a particular manner, it has to be done in the same manner and other ways are not permissible.

7. **Validity of order :-** Validity of order is to be judged on the grounds mentioned therein and no fresh reasons can be assigned by way of the reply filed in the court.

8. **Deletion of Rule 10 of Niyamawali :-** Deletion has taken place after passing of the impugned order. Such deletion does not have any retrospective effect. Thus, deletion cannot give legitimacy to the impugned

	order.
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### **O R D E R (Oral)**

#### **Sujoy Paul, J.:-**

Regard being had to the similitude of the questions involved, on the joint request of the parties, the matters were analogously heard and decided by this common order. This common order will dispose of W.P. Nos. 2661/2022, 2733/2022, 4231/2022 & 4543/2022. In these batch of petitions, the petitioner have called in question the legality, validity and the propriety of the order dated 20.01.2022 whereby under the order of Health Commissioner, the respondents decided to cancel the allotment of seats pursuant to second counselling for the singular reason that in the allotment of second round of counselling for 'certain reasons' reservation roster has not been followed.

2. Draped in brevity, the relevant facts are that the petitioners submitted applications for four years graduation course of nursing for the year 2020-2021. After becoming successful, they were permitted to participate in the second round of counselling. In the second counselling, they were duly selected. Institutions were allotted to them. In turn, they

took admission in the concerned Institution and started attending their classes.

3. It is common ground that the impugned order of cancellation of second counseling dated 20.01.2022 Annexure P-4 came as a bolt from blue whereby the second counselling and consequently admission of petitioners were cancelled.

4. Shri Anoop G. Choudhary, learned Senior Advocate submits that this Court passed a detailed bi-partite order on 11.02.2022 and considered all the relevant facets of the matter and stayed the effect and operation of the impugned order dated 20.01.2022 (Annexure P/4) with further direction to permit the petitioners to continue in the relevant course and attend their classes.

5. Shri Choudhary, learned Senior Advocate submits that the reasons mentioned in the interim order passed by this Court still holds the field but in the interest of justice it is necessary to elaborate the same. To elaborate, learned senior counsel submits that the four years' course is followed by a job to be given to the petitioners. Thus, all the petitioners have a right to livelihood which is recognized under Article 21 of the Constitution and the Apex Court in the case of **Smt. Mareddy**

**Seetharathnam vs. Siruvuri Venkatarama Raju and others 2011 (5)**

SCC 576 has considered this aspect in sufficient details. This right of livelihood is taken away by passing the impugned order without following the principles of natural justice. The impugned order entails civil consequences and could not have been passed without following the doctrine of *audi alteram partem*.

6. In absence of following the principles of natural justice, the impugned order suffers with unreasonableness and arbitrariness. Reliance is placed on **Cantonment Board, Dinapore and others Vs. Taramanidevi 1992 Supp. (2) SCC 501, Union of India and others Vs. Dinesh Engineering Corporation and another (2001) 2 SCC 386, Om Kumar v. Union of India (2001) 8 SCC 491 and Lakshmi Precision Screws Ltd. Vs. Ram Bahagat (2002) 6 SCC 552**. Reference is made to **Delhi Development Authority and another Vs. Joint Action Committee, Allottee of SFS flats and others (2008) 2 SCC 672** by contending that principles of natural justice, reasonableness and fairness is heart and soul of decision making process and if process flouts the said salutary principles, it hits Article 14 of the Constitution.

7. The next reliance is placed on **Sanatan Gauda Vs. Berhampur University and others (1990) 3 SCC 23** to bolster the submission that

after having allotted the seat by following the due process, it was no more open to the respondents to cancel the counselling process and admission etc. Respondents are bound by the principle of estoppel.

8. Learned counsel for the petitioners submits that two sets of Rules, (both perhaps do not have any statutory backing) are in vogue. The first Rule is Annexure P-2, which is called “शासकीय बी.एस.सी. नर्सिंग महाविद्यालयों में प्रशिक्षण हेतु चयन के नियम” (**Selection Rules**).

9. Shri Choudhary, learned Senior counsel submits that Rule 17 of this Rule provides a specific procedure cancelling the admission. If a specific method is prescribed to do a thing in a particular manner, the other methods are forbidden. Reliance is placed on **Dipak Babaria and another Vs. State of Gujrat and others (2014) 3 SCC 502**. It is urged that mandate of Rule 17 is not followed and cancellation of counselling is bad in law.

10. The next reliance is on another set of Rules which are called as **M.P. Online** द्वारा काउंसलिंग प्रक्रिया के लिये नियमावली (Annexure P/2) (**Niyamavali**). Learned Senior Counsel placed reliance on Clause 10 of these Rules and contended that these Rules are special rules applicable for the purpose of counselling. These special rules, in no uncertain terms makes it clear that after first round of counselling, if certain seats remain

vacant, in second counselling, such unfilled seats be included and filled up by open category. Learned Senior Counsel submits that it is trite that when there are special rules, it will prevail over the general rules. As per Rule 10, no fault can be found in the selection process even if the reservation roster was not followed.

11. Criticizing the return filed and document dated 25.1.2022 filed with the return, it is urged that on 25<sup>th</sup> January, 2022 only the Directorate decided to delete the Clause 10 from the “Niyamawali”. When the order impugned was passed, the said Clause 10 was very much there in the Niyamawali. Thus, it is an afterthought in order to justify and give legitimacy to the impugned order dated 20<sup>th</sup> January, 2022. The Constitution Bench Judgment of Supreme Court in **Mohinder Singh Gill and another Vs. The Chief Election Commissioner, New Delhi and others AIR 1978 SC 851** is relied upon to contend that validity of an order of an authority is to be judged on the grounds mentioned therein and it cannot be supplemented by filing affidavit or counter affidavit in the Court. Any reason supplemented by way of pleadings cannot justify the impugned order, which is based on different set of reasons.



**12.** Lastly, **Umaji Keshao Meshram and ors. Vs. Radhikabai 1986**

**Suppl. SCC 740** is relied upon to urge that in this case even ineligible students' admission were not interfered with by the Supreme Court because students were not at fault and sole sin of illegality was committed by the college management. The petitioners have already prosecuted their studies for few months and if the impugned order is upheld, it will hamper their future prospect very badly.

**13.** *Per contra*, Smt. Janhvi Pandit, learned Deputy Advocate General supported the impugned order. She placed reliance on Clause 7.1 of the Selection Rules and urged that the constitutional mandate regarding reservation, which is reduced in writing in the shape of मध्यप्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों और अन्य पिछडा वर्गों के लिये आरक्षण) अधिनियम 1994 (*Adhiniyam*) mandates that reservation is to be provided in the selection process. For this purpose, Clause 8.1, 9.4 and 14 are relied upon. Rule 14(6)(ii) is referred to submit that it was for the students to ensure before obtaining admission whether as per rules they are eligible or not.

**14.** Learned Deputy Advocate General submits that Rule 10 of Niymawali was deleted by order dated 25.1.2022 and therefore, petitioners cannot take any advantage of the same. Lastly, learned Deputy

Advocate General placed reliance on the judgment of the Supreme Court in **Aligarh Muslim University and others Vs. Mansoor Ali Khan (2000) 7 SCC 529** and **Ashok Kumar Sonkar Vs. Union of India and others (2007) 4 SCC 54** for the proposition that theory of useless formality will apply in a case of this nature, therefore, principles of natural justice have no role to play.

15. Learned Deputy Advocate General referred **Maharaja Chintamani Saran Nath Shahdeo Vs. State of Bihar and others (1999) 8 SCC 16** for the purpose that if impugned order is set aside, it will perpetuate the illegality and no useful purpose would be served.

16. Shri Anoop G. Choudhary, learned Senior Counsel in his rejoinder submission contended that it is a peculiar thing that in Rule 14(6)(ii) of Rules 20, the entire burden is shifted on the students to examine their eligibility. He submits that impugned order nowhere shows that petitioners were found to be 'ineligible'. Thus, this Rule cannot be pressed into service. He also pointed out the contradictions/discrepancies in two sets of return/reply filed in W.P. No. 4231/2022 and in W.P. No. 2733/2022. In addition, it is submitted that when Rule provides that Government is the 'competent authority', it is only the Government (as

per the Business Rule) which can pass appropriate order and Head of the Department cannot substitute himself in place of the State Government.

17. Parties confined their arguments to the extent indicated above.
18. We have heard the parties at length and perused the record.
19. Indisputably, the applicants preferred application for taking admission in the course in question. After becoming successful in the examination and counselling process, seats were allotted to them and they started their studies in the concerned colleges. By impugned order, the second counselling process was cancelled. We find substance in the argument of learned Senior Counsel that this order suffers from following illegalities-

I. The impugned order dated 20 January, 2022 entails civil consequences and takes away a right already created in favour of the petitioners to their detriment. Such an order could not have been passed without following the principles of natural justice. If impugned order is given stamp of approval and principles of natural justice are ignored, in our view, great prejudice will be caused to the petitioners. In that case, theory of useless formality cannot be pressed into service. Thus, judgments cited by the State in this regard are of no help to the State. Theory of Useless Formalities cannot be pressed into service in these cases because :-

(a) It cannot be said that if the petitioners would have been put to notice before passing the impugned order, they would not have any defence at all.

(b) The impugned order causes serious prejudice to the petitioners.

**II.** The principles of natural justice are definitely applicable in a case of this nature. The impugned order which cancels the second round of counselling and consequential admissions is unreasonable and unfair in nature. It is settled that fairness is an integral part of good administration. Since the impugned order is unfair and arbitrary, it cannot sustain judicial scrutiny. The Apex Court in **Neelima Mishra v Harinder Kaur Paintala (1990) 2 SCC 746** held as under :-

*“Principles of natural justice are to some minds burdensome but this price - a small price indeed-has to be paid if we desire a society governed by the rule of law.”*

This is also a very beautiful saying about the principle of natural justice that :-

*“.....even God himself did not pass [a] sentence upon Adam before he was called upon to make his defence. Adam (says God), where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou shouldest not eat?....”*

The Apex Court in catena of judgments has emphasized the importance of principles of natural justice, which are reproduced here as under:-

In **Lloyd v. McMahon (AC pp.702 H-703 B)**, it was held as under:-

*“My Lords, the so-called rules of natural justice are not engraved on tablets of stone. To use the phrase which better expresses the underlying concept, what the requirements of fairness demand when any body, domestic, administrative or judicial, has to make a decision which will affect the rights of individuals depends on the character of the decision-making body, the kind of decision it has to make and the statutory or other framework in which it operates. In particular, it is well established that when a statute has conferred on any body the*

*power to make decisions affecting individuals, the courts will not only require the procedure prescribed by the statute to be followed, but will readily imply so much and no more to be introduced by way of additional procedural safeguards as will ensure the attainment of fairness.”*

The Apex Court in ***Radhy Shyam v. State of U.P.***, reported in **(2011) 5 SCC 55** held as under:-

*“45. The amplitude, ambit and width of the rule of audi alteram partem was lucidly stated by the three-Judges Bench in Sayeedur Rehman v. State of Bihar ((1973) 3 SCC 333) in the following words:*

*“11..... This unwritten right of hearing is fundamental to a just decision by any authority which decides a controversial issue affecting the rights of the rival contestants. This right has its roots in the notion of fair procedure. It draws the attention of the party concerned to the imperative necessity of not overlooking the other side of the case before coming to its decision, for nothing is more likely to conduce to just and right decision than the practice of giving hearing to the affected parties.”*

**46. In *Mohinder Singh Gill v. Chief Election Commr.* ((1978) 1 SCC 405), Krishna Iyer, J. speaking for himself, Beg, C.J. And Bhagwati, J. highlighted the importance of the rule of hearing in the following words:**

*“43. Indeed, natural justice is a pervasive facet of secular law where a spiritual touch enlivens legislation, administration and adjudication, to make fairness a creed of life. It has many colours and shades, many forms and shapes and, save where valid law excludes it, applies when people are affected by acts of authority. It is the hone of healthy Government, recognised from earliest times and not a mystic testament of Judge-made law. Indeed, from the legendary days of Adaman of Kautilyas Arthashastrathe rule of law has had this stamp of natural justice which makes it social justice. We need not go into these deeps for the present except to indicate that the roots of natural justice and its*

*foliage are noble and not new-fangled. Today its application must be sustained by current legislation, case law or other extant principle, not the hoary chords of legend and history. Our jurisprudence has sanctioned its prevalence even like the Anglo-American system.*

*47. The Court must make every effort to salvage this cardinal rule to the maximum extent permissible in a given case. It must not be forgotten that natural justice is pragmatically flexible and is amenable to capsulation under the compulsive pressure of circumstances. The audi alteram partem rule is not cast in a rigid mould and judicial decisions establish that it may suffer situational modifications. The core of it must, however, remain, namely, that the person affected must have a reasonable opportunity of being heard and the hearing must be a genuine hearing and not an empty public relations exercise.”*

In the judgments cited by learned Senior Counsel, the same principle is reiterated by the Supreme Court.

**III.** For the purpose of cancellation, a specific Rule 17 was introduced. Admittedly, the procedure prescribed in Rule 17 has not been followed while cancelling the admissions. Rule 17 reads as under :-

**17. प्रवेश रद्द करना :-**

यदि यह पाया गया कि कोई उम्मीदवार संस्था में झूठी/गलत सूचना देकर सुसंगत तथ्यों को छुपाकर प्रवेश पा लेने में सफल हो गया है या प्रवेश के पश्चात् किसी भी प्रमाण-पत्र परीक्षण उपरांत फर्जी पाये जाने की स्थिति में चूकवश प्रवेश मिल गया है तो उम्मीदवार को दिया गया प्रवेश संस्था द्वारा उसके प्रशिक्षण काल के दौरान तुरंत बिना सूचना के रद्द किया जाएगा। प्रवेश संबंधी किसी भी

विवाद में स्वास्थ्य आयुक्त/संचालक, स्वास्थ्य सेवायें का निर्णय अंतिम होगा।

This runs contrary to settled legal position (**See Sri Baru Ram Vs. Smt. Prasanni and others AIR 59 Supreme Court 93, Dhananjaya Reddy Vs. State of Karnatka 2001 (4) SCC 9, Commissioner of Income Tax, Mumbai Vs. Anjum M.H. Ghaswala and Others 2002 (1) SCC 633 and Dipak Babaria and another Vs. State of Gujarat and others 2014 (3) SCC 502.**)

IV. The Rule 10 of the Niyamawali makes it clear that in the second round of counselling, the unfilled seats of first round, can be added and seats can be filled up by open category candidates. This was followed by the respondents. Rule 10 was not deleted when impugned order was passed. Any subsequent deletion cannot have any retrospective effect and therefore, in the light of Constitution Bench Judgment of Supreme Court in **Mohinder Singh Gill** (Supra), validity of the impugned order is to be tested :-

(i) for the reason stated therein

and

(ii) As per the rule/legal position prevailing at that point of time.

20. We also find substance in the argument of learned counsel for the petitioners that first set of Rules were prepared only for the purpose of selection whereas the Niyamawali contains special provision made for the

purpose of counselling. The impugned order relates to counselling and, therefore, Niyamawali will hold the field. As per Rule 10 of Niyamawali, the action of department in selecting the petitioners was in accordance with law.

**21.** So far argument of learned Deputy Advocate General that setting aside of impugned order will result into perpetuating the illegality is concerned, we are only inclined to observe that the judgment of Supreme Court in **Maharaja Chintamani Saran Nath Shahdeo vs. State of Bihar and Ors. (1999) 8 SCC 16** was passed in the peculiar fact situation of the said case and the observations made in para-38 are relating to and confined to the said case. No general principle of law is laid down that an illegal order cannot be set aside, otherwise it will perpetuate the illegality.

**22.** In view of foregoing analysis, the impugned order cannot sustain judicial scrutiny. Resultantly impugned order dated 20.01.2022 in all the writ petitions is **set aside**.

**23.** The petitions are **allowed** without any order as to costs.

**(SUJOY PAUL)**  
**JUDGE**

**(DWARKA DHISH BANSAL)**  
**JUDGE**