

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 7768 of 2014 (U)

PETITIONER:

**JINCY JOSEPH, AGED 31 YEARS,
W/O. GEORGE JACOB, KALLIECKAL VAYALIRAKATHU,
KALANJOOR P.O., PATHANAMTHITTA.**

BY ADV. SMT.INDU SUSAN JACOB

RESPONDENTS:

- 1. DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM-695 001.**
- 2. DEPUTY DIRECTOR OF NURSING EDUCATION,
DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM-695 001.**
- 3. THE NURSING COUNCIL OF INDIA ,
REPRESENTED BY ITS SECRETARY,
COMBINED COUNCIL BUILDING, KOTTA ROAD, TEMPLE LANE,
NEW DELHI-110 002.**
- 4. THE KERALA NURSES AND MIDWIVES COUNCIL,
REDCROSS ROAD, THIRUVANANTHAPURAM-695 035.**

**R4 BY ADV. SRI.N.RAGHURAJ, SC, TCMC & KNMC
BY SR. GOVERNMENT PLEADER, SRI. MOHAMMED SHAFI M**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT. P1 :** A COPY OF THE MARK STATEMENT OF PETITIONER DTD.15.6.1998 FOR STANDARD XTH ISSUED BY THE CBSE.
- EXT. P2 :** A COPY OF THE STATEMENT OF MARKS FOR THE 1ST YEAR TO 4TH YEAR B.SC. NURSING ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P2(A):** A COPY OF THE STATEMENT OF MARKS FOR THE 2ND B.SC. NURSING ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P2(B):** A COPY OF THE STATEMENT OF MARKS FOR THE 3RD YEAR B.SC. NURSING ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P2(C):** A COPY OF THE STATEMENT OF MARKS FOR THE 4TH YEAR B.SC. NURSING ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P3 :** A COPY OF CERTIFICATE DTD.29.3.2010 CONFERRING BACHELOR OF SCIENCE IN NURSING BASIC TO PETITIONER BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P4 :** A COPY OF THE REGISTRATION CERTIFICATE DTD.24.2.2010 ISSUED BY THE KARNATAKA STATE NURSING COUNCIL.
- EXT. P5 :** A COPY OF THE REGISTRATION CERTIFICATE DATED 03.8.2010 ISSUED BY 4TH RESPONDENT.
- EXT. P6 :** A COPY OF THE MARK STATEMENT FOR 1ST YEAR OF M.SC. NURSING ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P6(A):** A COPY OF THE MARK STATEMENT FOR 2ND YEAR OF M.SC. NURSING ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P7 :** A COPY OF THE PROVISIONAL DEGREE CERTIFICATE FOR M.SC. NURSING DTD.11.11.2013 ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH SCIENCE, KARNATAKA.
- EXT. P8 :** A COPY OF THE DETAILS OF M.SC. NURSING COURSE DTD.22.1.2014 ISSUED BY THE PRINCIPAL, PADMASREE INSTITUTED OF NURSING PROVISIONAL DEGREE CERTIFICATE FOR M.SC. NURSING KOMMAGATTA, KONGERI, BANGALORE.

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- EXT. P9 :** A COPY OF THE REGISTRATION CERTIFICATE DTD.22.1.2014 BY THE KARNATAKA STATE NURSING COUNCIL RECORDING ADDITIONAL QUALIFICATION.
- EXT. P10:** A COPY OF THE LIST OF COLLEGES OFFERING M.SC. NURSING RECOGNIZED BY THE KARNATAKA STATE NURSING COUNCIL DOWNLOADED FROM HTTP://WWW.KSNC.IN/RECOGNISED INST MSC HTML ON 12.3.2014 AT 12.20 PM.
- EXT. P11:** A COPY OF THE COMMUNICATION RECEIVED UNDER RTI ACT DATED. 12.2.2014 ALONG WITH THE QUESTIONS.
- EXT. P12:** COPY OF THE NEWSPAPER REPORT OF THE DECISION DTD.11.9.2012 V OTHER ITEM NO.3 OF THE 4TH RESPONDENT, PUBLISHED IN THE HINDU ON 18.8.2013, RECEIVED UNDER RTI ACT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 7768 of 2014

Dated this the 22nd day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. To issue a writ of mandamus or any other appropriate writ, order or direction to set aside the decision V Other Item No.3 dated 11.09.2012 issued by 4th respondent denying registration of additional qualification acquired by nurses from recognized educational institutions outside the State of Kerala.

ii. To issue a writ of mandamus or any other appropriate writ, order or direction to declare that the decision V Other Item No.3 dated 11.09.2012 taken by 4th respondent is not applicable to petitioner as she joined the M.Sc Nursing course prior to the above decision."

2. When the matter is taken up for consideration, the learned Standing Counsel for the respondent 3 and 4 submits that, by virtue of subsequent development, a resolution dated 23.10.2014 has been taken to accept registration of the additional qualification acquired from other States. A copy of the minutes of the members of the Kerala Nurses and Midwives

Council held on 23.10.2014 is produced before this Court, the relevant portion of which reads as follows:

"4. Registration of Additional Qualification acquired from other States reg.

The Registrar and INC member Mr. Thampi informed that they have received a telephone call from INC President Mr. Dileep Kumar seeking the reason for not registering the Additional Qualification acquired from other states. INC President also informed that the Council should immediately take a favourable decision and inform. As there is a pending case regarding this matter, it was also discussed with Mr. Raghuraj, Advocate of the Council. He informed that registering the Additional qualification acquired from other states can be done eventhough a case is pending. The Council resolved to accord sanction for the registration of Additional Qualification acquired from other states. The council also decided Rs.1,500/- as the fees for registration of Additional Qualification acquired from other states."

3. After hearing both the sides, this Court finds that by virtue of the subsequent developments, the petitioner is also entitled to have the relief flowing from the resolution taken by the Council. In the said circumstance, the petitioner is relegated to approach the 4th respondent by filing necessary proceedings as prescribed, upon which the same shall be considered in the light

of the aforesaid resolution, so as to cause redressal of the grievance of the petitioner. This shall be done at the earliest, at any rate, within 'one month' from the date of receipt of the proceedings as above.

The writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-