

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 9338 of 2015 (N)

PETITIONER :

**MES COLLEGE OF NURSING,
MES MEDICAL COLLEGE CAMPUS, PERINTHALMANNA,
PALACHUVADU P.O., MALAPPURAM DISTRICT
REP. BY ITS DIRECTOR, DR.P.A.FAZAL GHAFOR.
AGED 54 YEARS.**

**BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.G.PRAMOD
SRI.KANDAMPULLY RAHUL
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR**

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695001.**

BY GOVERNMENT PLEADER SRI.K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE COPY OF THE GOVERNMENT ORDERS DATED 04/12/2012, GRANTING NOC TO COMMENCE POST BASIC B.SC. NURSING PROGRAM TO THE PETITIONER FOR THE ACADEMIC YEAR 2013-14.**
- EXHIBIT P2: A TRUE COPY OF THE LETTER OF CONSENT DATED 17/12/2012 ISSUED BY KERALA NURSE AND MIDWIVES COUNCIL.**
- EXHIBIT P3: A TRUE COPY OF THE LETTER OF CONSENT DATED 05/06/2013 ISSUED BY KERALA UNIVERSITY OF HEALTH SCIENCE FOR STARTING M.SC. NURSING AND POST BASIC B.SC.NURSING.**
- EXHIBIT P4: A TRUE COPY OF THE LETTER OF PERMISSION DATED 19/10/2013 ISSUED TO THE PETITIONER FOR STARTING POST BASIC B.SC. NURSING COURSE.**
- EXHIBIT P5: THE LETTER DATED 22/10/2013 ISSUED BY THE INDIAN NURSING COUNCIL CORRECTING THE YEAR OF PERMISSION AS 2013-14.**
- EXHIBIT P6: A TRUE COPY OF THE APPLICATION DATED 25/8/2014 SUBMITTED BY THE PETITIONER TO THE STATE GOVERNMENT FOR REVALIDATION OF NOC.**
- EXHIBIT P7: A TRUE COPY OF THE LETTER DATED 21/11/2014 ISSUED BY THE PRINCIPAL, GOVERNMENT NURSING COLLEGE, KOZHIKODE.**
- EXHIBIT P8: A TRUE COPY OF THE COVERING LETTER DATED 28/11/2014 ISSUED BY THE PETITIONER FOR SENDING D.D. FOR BALANCE FEE FOR INSPECTION.**
- EXHIBIT P9: A TRUE COPY OF THE LETTER DATED 6/12/2014 ISSUED BY THE PRINCIPAL, GOVERNMENT NURSING COLLEGE, KOZHIKODE.**
- EXHIBIT P10: A TRUE COPY OF THE COVERING LETTER DATED 19/12/2014 ISSUED BY THE PETITIONER TO PRINCIPAL, GOVERNMENT NURSING COLLEGE, KOZHIKODE.**
- EXHIBIT P11: A TRUE COPY OF THE REPRESENTATION DATED 2/1/2015 TRUE COPIES OF THE REPRESENTATIONS DATED 2/1/2015, 30/1/2015, 6/2/2015 AND 7/3/2015.**
- EXHIBIT P12: A TRUE COPY OF THE REPRESENTATION DATED 30/1/2015.**
- EXHIBIT P13: A TRUE COPY OF THE REPRESENTATION DATED 6/2/2015.**
- EXHIBIT P14: A TRUE COPY OF THE REPRESENTATION DATED 7/3/2015.**
- EXHIBIT P15: A TRUE COPY OF THE ORDER DATED 26/2/2015 ISSUED BY THE RESPONDENT REVALIDATING THE NOC FOR M.SC. NURSING COURSE TO COMMENCE THE COURSE.**

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**EXHIBIT P16: A TRUE COPY OF THE JUDGMENT DATED 17/10/2014 IN W.P.(C)
NO.17607/2014 OF THE LEARNED SINGLE JUDGE OF THIS HON'BLE
COURT.**

**EXHIBIT P17: A TRUE COPY OF THE ORDER DATED 6/2/2015 IN S.L.P. NO. 2856/2015
OF THE HON'BLE SUPREME COURT OF INDIA.**

RESPONDENT(S)' EXHIBITS : NIL.

//TREU COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9338 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:-

"(i) Issue a writ of Mandamus or other appropriate writ, order or direction commanding the respondent to revalidate Ext.P-1 NOC immediately to enable the petitioner to commence Post Basic B.Sc. Nursing Course in its College in the Academic year 2015-16;

and

(ii) Pass such other order or direction as this Court may deem fit and proper in the interest of justice."

The learned counsel for the petitioner submits that, the only relief now pressed before this Court is to cause finalisation of Ext.P6 within a reasonable time.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed of, directing the respondent to consider and pass appropriate orders on Ext.P6 application, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within

'three months' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the respondent, for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp