IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 29537 of 2015 (N)

PETITIONER(S):

SHEEJA MATHEW, AGED 31 YEARS, W/O.NIJO,
PLAMTHOTTATHIL HOUSE, MYLAPRA TOWN P.O.
PATHANAMTHITTA 689 678.

BY ADV. SRI.P.SHANES METHAR

RESPONDENT(S):

1. UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF OVERSEAS
INDIAN AFFAIRS, AKBAR BHAWAN,
CHANAKYA PURI, NEW DELHI 110 021.

2. THE PROTECTOR OF IMMIGRANTS,
3RD FLOOR, PUTHERICKAL BUILDINGS, MARKET ROAD,
COCHIN 682 035.

3. M/S.ITL TOURS & TRAVELS,
1ST FLOOR, HEERA CHAMBERS, PAZHAVAGADI EAST FORT,
TRIVANDRUM 695 023.

R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

WP(C).No. 29537 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF THE SERVICE CERTIFICATE ISSUED BY DR.SULAIMAN AL-HABIB MEDICAL GROUP, OLAYA, K S A

P2: TRUE COPY OF THE LETTER OF DEMAND DATED 19/3/2015

P3: TRUE COPY OF THE INTERVIEW LETTER DATED 31/3/2015 ISSUED BY THE 1ST RESPONDENT

P4: TRUE COPY OF THE LIST OF NURSES AND OTHER STAFF SELECTED VIDE INTERVIEW DATED 19/3/2015

P5: TRUE COPY OF EMPLOYMENT CONTRACT,

P6: TRUE COPY OF THE ORDER DATED 12/3/2015 ISSUED BY THE 1ST RESPONDENT

P7: TRUE COPY OF THE JUDGMENT DATED 26/5/2015 IN WPC NO.4832/2015 ON THE FILE OF HON'BLE HIGH COURT OF DELHI.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.29537 of 2015

Dated this the 5th day of October,2015

J U D G M E N T

The petitioner has been recruited as a Staff Nurse in Dr.Sulaiman Al-Habib Medical Group, Olaya in the Kingdom of Saudi Arabia. The petitioner submits that she has been recruited before 30.5.2015 and visa has also been issued on 1.4.2015. The petitioner has approached this Court apprehending further emigration clearance in terms of Government Order dated 12.3.2015. It is to be noted as per Ext.P6 order, the Government of India insists for emigration clearance for nurses for overseas employment with effect from 30.4.2015 and the effect of the above order has been further extended upto 30.5.2015.

2. In fact a Division Bench of this Court has issued the following directions in W.A.No.1864 of 2015 dated 20.8.2015:

> "i) That in addition to the concession granted by the learned Single Judge to such persons who were

recruited prior to 12/3/2015, those persons, who had obtained Visa and other travel documents prior to 30/4/2015, shall also be permitted to travel without insisting on the clearance in terms of Ext.P12.

ii) The emigration authorities may look into the documents and provide necessary clearance as may be required under law, subject to fulfilment of the aforesaid condition."

3. It is to be noted that Exhibit P6 Government order has now been extended its effect upto 30.5.2015. This was not brought to the notice of the Division Bench. In that view of the matter, this Court is of the view that if the petitioner has been issued visa before 30.5.2015, the petitioner shall be permitted to go abroad without further emigration clearance.

The writ petition is disposed of as above.

Sd/

A.MUHAMED MUSTAQUE,
JUDGE

jm/

The opening line of the judgment dated 5.10.2015 in W.P.(C) No.29537/2015 is corrected by substituting the words "The petitioner has been recruited as a Staff Nurse by Royal Commission of Jubail & Yanbu, in the Kingdom of Saudi Arabia" for the words "The petitioner has been recruited as a Staff Nurse in Dr.Sulaiman AL-Habib Medical Group, Olaya in the kingdom of Saudi Arabia" as per dated 20.10.2015 in I.A.15147/2015 in W.P.(C) No.29537/2015.

Registrar (Judicial)