

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.26527 of 2015

Tamil Nadu Recognised (PVT) Nursing Schools
and Colleges Association (Reg)
Rep by its President,
Karur Benefit Fund Ltd.,
No.336, Jawahar Bazaar,
Karur-639001

... Petitioner

- Vs -

1. State Government of Tamil Nadu
Rep by its Principal
Secretary,
Health and Welfare Department,
Chennai-600 009.
2. The Director
Director of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to include the members of the petitioner Association (list annexed herein) in the single window system to be held for the academic year 2015-2016 and allot candidates to respected college and school to the extent of 65% in the Diploma in Nursing Course.

For Petitioner : Ms.B.Saraswati

For Respondents : Mr.P.Raja Lakshmi
Government Advocate

O R D E R

Heard the learned counsel for the petitioner, and the learned Government Advocate appearing for the respondents.

2. The petitioner Association consists of 89 private nursing schools and colleges. For the Diploma course for the academic year 2015-2016, 9811 candidates have applied and out of them 9582 were made eligible and the merit list was published on 20.08.2015. The circular was issued by the second respondent, informing counsellings under the single window system, on 05.06.2015. Prior to that the petitioner sent a letter to the first respondent on 06.03.2015 stating that they are willing to admit the students under the single window system and requested the first respondent to include all the institutions under the Association for single window system and to allot candidate for Diploma in Nursing. It was also stated that the said institutions are willing to surrender 65% of its seats to Government for allotment of candidates. The second respondent vide its letter dated 10.06.2015 has called upon all the nursing colleges to give details called for therein for allotment of students through single window system. The nursing colleges also sent their reply on 10.06.2015 and other dates convenient to them. Since there was no response, the petitioner had sent a reminder on 15.07.2015 to the first respondent, but no response has been received till date. As the request of the petitioner has not been considered, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submitted that even though there is no legal right corresponding to such issue, the request of the petitioner may be directed to be considered by the respondents, since to the circular forwarded, the members of the petitioner have responded.

4. The learned Government Advocate on instructions submitted that based on the instructions given by the second respondent the counselling for the Diploma in Nursing Course in the Government institutions have already been over, 186 seats have been filled up and allotment orders have been issued to the students. The second counseling is proposed to be held shortly.

5. In the absence of any legal right corresponding to duty, this Court cannot issue positive direction to the respondents. It is for the respondents to decide as to whether 65% seats in the college for petitioner have to be filled up in the single window system. As

the petitioner made a request to the circular issued by the second respondent on 15.07.2015, this Court feels it would be suffice if the second respondent is directed to pass orders on the letter dated 15.07.2015. Accordingly, the second respondent is directed to pass orders on the letter dated 15.07.2015, sent by the petitioner, within a period four weeks from the date of receipt of a copy of this order. The petitioner is also at liberty to make a representation to the respondents within a period of one week from the date of receipt of a copy of this order. In the said representation, it is for the petitioner to give list of seats.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
State Government of Tamil Nadu
Health and Welfare Department,
Chennai-600 009.
2. The Director
Director of Medical Education,
No.162, Periyar EVR High Road,
Kilpauk, Chennai-600 009.

+1cc to Ms.B.Saraswati, Advocate, S.R.No.50063

+1cc to the Government Pleader, S.R.No.50292

W.P.No.26527 of 2015

PUR(CO)
CA(16/09/2015)

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