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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4832/2015 and CM No.8732/2015

M/S. HIBA EXPORTS INDIA

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Advocate with Mr.
Harshad V. Hameed, Mr. Dileep Poolakkot and
Ms. Sahiba Pantel, Advocates

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Manish Mohan, CGSC with Mr.
Pradeep Sharma, Ms. Manisha Rana Singh and
Ms. Hina Shaheen, Advocates with Mr. M.
Sooriya Narayan, Under Secretary, MOIA

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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26.05.2015

1. This writ petition seeks to impugn the orders dated 12.03.2015 and 08.04.2015 issued by the Ministry of Overseas Indian Affairs, Government of India (in short MOIA).

1.1 A perusal of the order dated 12.03.2015 would show that it kicks-in with effect from 30.04.2015.

1.2 In sum and substance, by order dated 12.03.2015, the Government of India has put in place a system whereby for emigration of nurses recruited in India for overseas employment, in respect of 18 Emigration Check Required (ECR) countries, is to be obtained from the Protector of Emigration (POE).

1.3 Furthermore, the said order also indicates that recruitment of nurses for overseas employment is to be 'restricted', and therefore, is

required to be channelized via State run recruiting agencies, such as NORKA Roots and ODEPC Kerala.

1.4 There are obligations stipulated vis-a-vis the foreign employer as well which are provided in clause (iii) of order dated 12.03.2015.

1.5 The order also makes a provision for recruitment of Indian nurses by other Indian recruiting agents. Approval qua such cases is made country specific and is dependent on receipt of a proposal from a country. The approval is subject to an order being issued by the MOIA.

2. In this particular case, what is not disputed is that the petitioners obtained permission from the MOIA vide letter dated 03.03.2015. As indicated above, order dated 12.03.2015 comes into effect only on 30.04.2015. The petitioner in case of the instant recruitment is not covered by orders dated 12.03.2015 and 08.04.2015.

2.1 Furthermore, I am informed by Mr. Mohan, on instructions of Mr. M. Sooriya Narayan, Under Secretary that the effect of the order has been further extended till 30.05.2015, pursuant to an order dated 14.05.2015, issued by the MOIA.

3. Accordingly, the writ petition and the pending application are disposed of with a direction that the petitioners will not require emigration clearance as presently required in respect of those who are covered by order dated 12.03.2015.

4. Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 26, 2015

Yg

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