

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.12614 of 2016 and  
W.M.P.No.11064 of 2016

S.Murugan

... Petitioner

Vs.

1.The Secretary to Government,  
Health and Family Welfare (N1)  
Department, Secretariat,  
Fort St. George, Chennai - 600 009.

2.The Director of Public Health and  
Preventive Medicine,  
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the respondents to pass orders on the proposal and application of Mayur Educational Trust dated 03.04.2014 and issue No Objection/Essentiality Certificate so as to get permission from the Indian Nursing Council to start a self financing two year auxiliary Nurse Midwife course called ANM Course in its Mayor Radhakrishnan Institute of Para Medical Sciences at Komangalam in Vriddachalam Taluk in Cuddalore District from the academic year 2016-2017 onwards on any condition.

For Petitioner : Mr.S.Krishnaswamy

For Respondents: Mr.S.Pattibaraman,  
Government Advocate.

O R D E R

One Mayuri Educational Trust, Cuddalore submitted an application dated 03.04.2014 for starting a Self Financing Auxiliary Nurse Midwife Course (ANM) from the academic year 2014-2015 under the name and style of "Mayuri Educational Trust" at Komangalam Village in Vriddachalam Taluk, Cuddalore District with an intake of 40 students. According to the petitioner, it fulfilled all relevant norms and criteria for starting such an institution and the Director of Public Health and Preventive Medicine had also made a positive recommendation on 04.12.2014 to the Secretary, Government of Tamil Nadu, Health and Family Welfare Department, Chennai- 600 009. According to the

petitioner, to satisfy the norms of Indian Council, which is the authority to grant permission to start ANM Course, No Objection/Essentiality Certificate is required from the first respondent/Government and since it was not furnished on time, the Indian Nursing Council, has rejected the application of the petitioner dated 15.12.2014. The grievance expressed by the petitioner is that though it represented the application to the Indian Nursing Council, unless and until the petitioner obtains No Objection/Essentiality Certificate from the first respondent/Government, the said application may not be processed and therefore, came forward to file this writ petition.

2. Heard the submissions of Mr.S.Krishnaswamy, learned counsel appearing for the petitioner and Mr.S.Pattibaraman, who accepts notice on behalf of the respondents.

3. Though the petitioner prayed for the larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the first respondent to consider the request of the petitioner for issuance of No Objection/Essentiality Certificate, in the light of the recommendation of the second respondent in R.No.23321/Trg/S2/2014 dated 04.12.2014, on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.  
vsm

s/d-  
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,  
Health and Family Welfare (N1)  
Department, Secretariat,  
Fort St. George, Chennai - 600 009.

2.The Director of Public Health and  
Preventive Medicine, Chennai - 600 006.

+ 1 cc to Mr.S.Krishnasamy, Advocate SR 36272

+ 1 cc to Spl. Govt.Pleader SR 36330

rj(co)  
prk5/7

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