

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition Nos.23880, 26737 and 30279 of 2018 and
W.M.P. Nos.27836, 31097, 31099, 35336 and 35339 of 2018

Dr.A.P.J.Abdul Kalam Educational Charitable Trust
rep. by its Managing Trustee S.A.Subbiah
Pudukkottai District.

... Petitioner in W.P. No.23880 of 2018

Pavai Varam Education Trust
Established and Administering
Paavai College of Nursing and Research
rep. by Chairman Mr.V.Natarajan

.. Petitioner in W.P.
Nos.26737 and 30279 of 2018

Versus

1. State of Tamil Nadu
rep. by its Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai-600 009.
2. The Registrar,
Tamil Nadu Nurses and Midwives Council,
No.140, Santhome High Road,
Mylapore, Chennai-600 004.
3. The Registrar,
Tamil Nadu Dr. M.G.R.Medical University,
No.69, Annasalai, Guindy,
Chennai-600 032.
4. The Director of Medical Education,
Directorate of Medical Education Campus,
Kilpauk, Chennai-600 010.
5. Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I, New Delhi-110 020.

.. Respondents in W.P.No.23880 of 2018

1. The Indian Nursing Council
rep. by its Secretary,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I,
New Delhi-110 020.
2. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Jayaprakash Narayanan Maligai,
Old No.140, New No.56, Santhome High Road,
Near Santhome Church, Mylapore,
Chennai-600 004.
3. The Registrar,
Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai-600 032.
4. The Director,
Directorate of Medical Education,
162, E.V.R.Periyar Salai,
Kilpauk, Chennai 600 010.

.. Respondents in W.P.
Nos.26737 & 30279 of 2018

Prayer in W.P. No.23880 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to impugned paragraph No.39 of the affiliation of Nursing College norms and the consequential proceedings of the third respondent University vide R.C. No.Affln.VI(3)/40666/2018 dated 28.08.2018 and quash the same and further direct the third respondent University to grant provisional affiliation to the petitioner's Mother Teresa College of Nursing for increase of student intake from 40 to 100 for the academic year 2018-19.

(Prayer amended as per Court order dated 23.10.2018 by VBDJ in W.M.P. No.28455 of 2018)

Prayer in W.P. No.26737 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to impugned order passed by the third respondent in Rc.No.Affln.VI (4)/60270/2017 dated 22.11.2017 and quash the same and direct the third respondent to grant affiliation to the petitioner College of Nursing for an increased intake of 100 students for the academic year 2018-19 in B.Sc. (Nursing) Degree Course pursuant to the approval granted by the Government of Tamil Nadu and 2nd respondent for an intake of 100 students for the academic year 2018-19.

Prayer in W.P. No.30279 of 2018: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to impugned order passed by the third respondent in Rc.No.Affln.VI (4)/60270/2017 dated 15.10.2018 and quash the same and direct the third respondent to grant affiliation to the petitioner College of Nursing for increased intake of 100 students for the academic year 2018-19 in B.Sc. (Nursing) Degree Course in view of the approval granted by the Government of Tamil Nadu vide G.O. Ms. No.273 dated 09.07.2018 and approval granted the 2nd respondent vide Ref.No.6584/NC/2018 dated 03.10.2018 for intake of 100 students for the academic year 2018-19 for B.Sc. Nursing Degree Course.

For Petitioner in W.P.No.23880 of 2018 :Mr.P.Godson Swaminathan,
for Mr.K.Ramesh Kumar

For Petitioner in W.P. Nos.
26737 & 30279 of 2018 : Mr.D.Prabhu Mukunth Arunkumar

For Respondents in all cases : Mrs.P.Rajalakshmi,
Additional Government Pleader
for R1 and R4
Mr.D.Ravichander for R3
Mr.V.Jayaprakash Narayanan
for R2

COMMON ORDER

These writ petitions are directed against the impugned order dated 28.08.2018 by which the Tamil Nadu Dr. M.G.R. Medical University refused the request of the petitioners for enhancement of 60/40 seats in respect of B.Sc. (Nursing) Degree Course citing the reason that since the first batch of students have not completed the above said B.Sc. (Nursing) Degree Course from the petitioner Institution, the request for enhancement of 60 and 40 students were not turned up as per the Statues of the University.

2.The learned counsel appearing for the petitioners submitted that this issue has already been considered by this Court in W.P. Nos.16464, 16651 and 17085 of 2018 dated 17.07.2018 which has held that there is no need to intimate the University with regard to increase of seats may not be correct as in terms of the statues of the University for more than 60/40 seats, proportionate increase of teachers and faculty has to be made and a communication need to be given to the University and

the University has to ascertain as to whether the petitioner Institution has complied with the norms and thereafter consider the request of the petitioners/Institutions for affiliation. Therefore, the rejection of the grant of the petitioners' affiliation on the ground that the request for increased annual intake from 40/60 to 100/100 will be considered only after the successful completion of course by the first batch of students may not be correct.

3.Learned counsel appearing for the respondent University, placing on record a letter dated 26.11.2018 addressed by the Registrar of Dr. M.G.R. Medical University, submitted that now the said University has decided to implement the order passed by this Court with regard to annual intake from 40/60 to 100/100 seats and an order also will be issued in respect of Mother Theresa College of Nursing to increase the seats from 40 to 100 for the academic year 2018-19. The said University will undertake their inspection to find out as to whether the petitioners Institution is having sufficient and requisite infrastructure facilities to cater to the needs of the enhanced intake.

4.It is relevant to refer paras 13 and 14 of the order dated 17.07.2018 passed by this Court in W.P. Nos.16464, 16651 and 17085 of 2018 which reads as follows:

'13.In view of the above, this Court is of the view that it is for the 1st respondent/University to ascertain as to whether the petitioner/Institutions have complied with the norms and thereafter, consider the request of the petitioner/Institutions for affiliation. Rejection of grant of affiliation to the petitioner/Institutions on the ground that their request for annual intake from 60 to 100 will be considered only after the successful completion of course by the first batch of students, may not be correct.

14.If sufficient infrastructure is available, the petitioner/Institutions must be permitted to have an intake of entire 100 seats. If counselling is already over, it is for the 1st respondent/University to conduct a special counselling for the petitioner/Institutions. However, the time limit prescribed by the Apex Court in the case of Parshavanth Charitable Trust vs. All India Council for Technical Education, reported in 2013 (3) SCC 385, should be taken note of for the academic years in question. It is made clear that if time is extended by the Apex Court subsequently, the same shall be taken note of by the 1st respondent/University, while taking a decision with regard to the grant of affiliation to the

petitioner/Institution for an intake of 100 students for the academic year 2018-19.'

5.Learned counsel appearing for the petitioners submitted that counselling is going to be held on 29.11.2018, Therefore, a direction should be given to the University to furnish the increased seat matrix for admission to the Director of Medical Education, Chennai enabling the students to be admitted for the increased intake to participate in the counselling for the academic year 2018-19.

6.Learned counsel appearing for the University submitted that the University will do so.

7.It is made clear that if sufficient infrastructural facilities are available in the petitioners' Institutions and the University being satisfied thereon should give affiliation to the petitioners' Institutions for the academic year 2018-19. Accordingly, these writ petitions are disposed of. Consequently, connected W.M.Ps. are closed. No costs.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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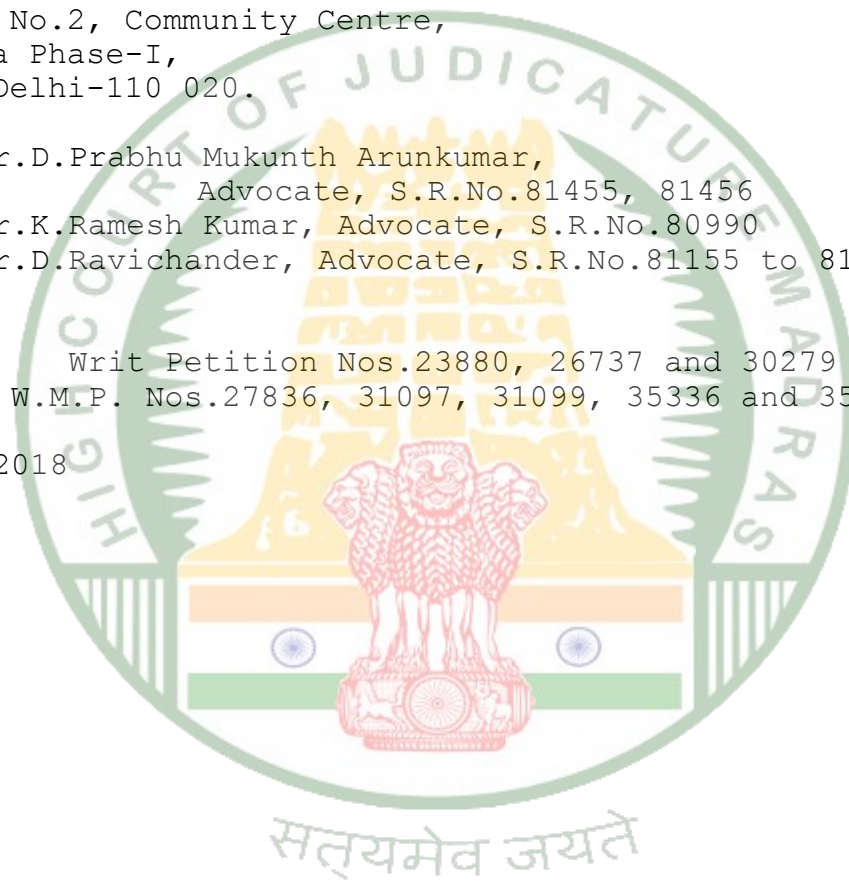
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+2cc to Mr.D.Prabhu Mukunth Arunkumar,
Advocate, S.R.No.81455, 81456
+1cc to Mr.K.Ramesh Kumar, Advocate, S.R.No.80990
+3cc to Mr.D.Ravichander, Advocate, S.R.No.81155 to 81157

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CS/28/11/2018



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