



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 21.08.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)Nos.18262 to 18266 of 2018andW.M.P(MD)Nos.16162 to 16171 of 2018

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| 1.N.Subin | ..Petitioner in W.P(MD)No.18262 of 2018 |
| 2.V.Maheswar | ..Petitioner in W.P(MD)No.18263 of 2018 |
| 3.R.Josephin Sabitha | ..Petitioner in W.P(MD)No.18264 of 2018 |
| 4.A.R.Befi | ..Petitioner in W.P(MD)No.18265 of 2018 |
| 5.P.Sudha | ..Petitioner in W.P(MD)No.18266 of 2018 |

Vs

- 1.The Director,
Public Health and Preventive Medicine,
Chennai- 600 006.
- 2.The Mission Director,
National Health Mission-Tamil Nadu,
State Health Society,
359, Anna Salai,
DMS Complex,
Chennai - 600 006.
- 3.The Deputy Director of Health Services,
Kanyakumari District,
at Nagercoil. ..Respondents 1 to 3 in all W.Ps'
- 4.The Block Medical Officer,
Government Primary Health Centre,
Edaicode,
Kanyakumari District. ..4th Respondent in W.P(MD)No.18262/2018
- 5.The Block Development Officer,
Government Primary Health Centre,
Agastheeswaram,
Kanyakumari District. ..4th Respondent in W.P(MD)No.18263/2018



6.The Block Medical Officer,
Government Primary Health Centre,
Munchirai,
Kanyakumari District. ..4th Respondent in W.P(MD)No.18264/2018

7.The Block Medical Officer,
Government Primary Health Centre,
Killiyoor,
Kanyakumari District. ..4th Respondent in W.P(MD)No.18265/2018

8.The Block Medical Officer,
Government Primary Health Centre,
Kuttakuzhi,
Kanyakumari District. ..4th Respondent in W.P(MD)No.18266/2018

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the impugned order passed by the second respondent herein in Ref.No.1918/SHS/P9/2016, dated 30.7.2018 and to quash the same.

For Petitioner :Mr.L.Shaji Chellan
in all W.Ps'

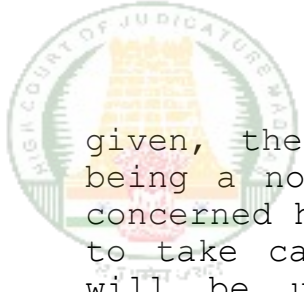
For Respondents :Mr.R.Sethuraman
in all W.Ps' Special Govt.Pleader

COMMON ORDER

These Petitioners have come forward with these Writ Petitions seeking to quash the impugned order passed by the second respondent in Ref.No.1918/SHS/P9/2016, dated 30.07.2018.

2.The Petitioners are working as Staff Nurse in the above-mentioned Government Primary Health Centres respectively and that the issue on hand is that unless the willingness of the Petitioners is given in writing, they shall not be deputed for Foundation Course on Palliative Nursing Training at Kerala. In the present case on hand, training to Staff Nurse is required and they are designated as Multipurpose Hospital Worker for Palliative Care, who will provide palliative care and nursing to those who are bed-ridden and who are already one foot in the graveyard. According to the Petitioners, they did not give consent for going for the training for a period of ten days from 13.8.2018 to 23.8.2018. But, unfortunately, by means of impugned order, it has been stated that eight staff nurses who are placed at Kanyakumari District, have given their willingness for training with regard to training regarding foundation course for Palliative Care.

3.When the matter is taken up for hearing, it is represented by the respondents that only verbal consent has been taken and there is no written consent. Unless and otherwise, written consent is



given, the persons cannot be sent for training. Nurse profession being a noble service, for whom patience is needed. If the nurses concerned have no interest in undergoing the training, who are going to take care of the patients, who are counting their last dates, will be unfit for the said job. It is represented that two persons/Nurses have given consent, but they are not before this Court. Hence this Court is of the view the impugned order needs interference by this Court.

4. Accordingly, these Writ Petitions are allowed and the impugned order passed by the second respondent in Ref.No.1918/SHS/P9/2016, dated 30.7.2018 is set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS II)

/True Copy/

Sub Assistant Registrar(CS II)

vsn

To

- 1.The Director,
Public Health and Preventive Medicine,
Chennai- 600 006.
- 2.The Mission Director,
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State Health Society,
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7.The Block Medical Officer,
Government Primary Health Centre,
Killiyoor,
Kanyakumari District.

8.The Block Medical Officer,
Government Primary Health Centre,
Kuttakuzhi,
Kanyakumari District.

5CC'S TO MR. L. SHAJI CHELLAN, ADVOCATE SR 79548 79568 TO 79579
1CC TO THE SPL GOVT PLEADER SR 79841 TO 79845

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and
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