

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.21461 of 2008

M.Cadirvelou

... Petitioner

Vs

1. Union of India

rep. by the Secretary to Government,
Department of Health and Family Welfare,
Ministry of Health and Family Welfare
(Nursing Division),
New Delhi.

2. Indian Nursing Council

rep. by its Secretary,
Combined Council Building,
Kotla Road,
Temple Lane, New Delhi-110 002.

3. Tamil Nadu Nurses and Midwives Council

rep. by its Registrar,
No.140, Santhome High Road,
Chennai-600 004.

4. Indira Gandhi National Open University

rep. by its Regional Director,
CIT Campus,
Tharamani, Chennai-600 113.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent relating to the impugned order dated 17.08.2007 bearing Ref.No.82/NC/2007 and quash the same and consequently, direct the 3rd respondent to register the post basic Nursing qualification of the petitioner as additional qualification.

For Petitioner : Ms.Gopika Nambiar
for M/s.Sai, Bharath & Ilan

For Respondents: Mr.J.Madhanagopal Rao,
C.G.S.C. for R1
Mr.A.R.Nixon for R3

O R D E R

Challenging the impugned order dated 17.08.2007 bearing Ref.No.82/NC/2007 of the 3rd respondent, to quash the same with a consequential direction, directing the 3rd respondent to register the post basic Nursing qualification of the petitioner as additional qualification, the petitioner, who has obtained B.Sc. Nursing Qualification from the Indira Gandhi National Open University (hereinafter referred to as, 'IGNOU'), New Delhi, has come before this Court with this Writ Petition.

2. Learned Counsel appearing for the petitioner in support of the prayer stated that the petitioner originally possessed the educational qualification of Diploma in Nursing and employed as Staff Nurse in the Health Department of the Government of Union Territory of Pondicherry. Since there is no separate Nursing Council for enrolment and registration of Nurses in the Union Territory of Pondicherry and such enrolment is being done with the Tamil Nadu Nurses and Midwives Council, Chennai, the 3rd respondent herein which is constituted under the Tamil Nadu Nurses and Midwives Act (TN Act 3 of 1926) taking into account that the 4th respondent is offering the Post Basic Bachelor Degree of Nursing for service candidates like the petitioner, the petitioner enrolled for the said course and successfully obtained Degree of Bachelor on Nursing. When the B.Sc. Nursing Degree was issued by the IGNOU which was taken by the 3rd respondent, when any additional qualification is obtained by the petitioner, such additional qualification is also to be registered with the 3rd respondent herein. In this regard, the petitioner has made an application dated 13.8.2007 with the 3rd respondent herein for registration of her Post Basic B.Sc. Nursing Degree as additional qualification duly enclosing the requisite fee. But by Communication dated 17.8.2007, the same was returned by the 3rd respondent stating that the Post-Basic B.Sc. Nursing conferred by the 4th respondent is non-registrable qualification with the 3rd respondent.

3. In support of her submission, the learned Counsel for the petitioner relied on a Communication issued by the Secretary of Indian Nursing Council, Combined Councils Building, Kotla Road, Temple Lane, Awan-E-Galib Marg, New Delhi-110 002 wherein the Indian Nursing Council has made it clear that any B.Sc. Nursing Degree issued by the Indira Gandhi National Open University, New Delhi is always registerable.

4. It is, at this stage, the learned Counsel for the 3rd respondent agreeing with the said submission stated that since the B.Sc. Nursing Degree obtained by the petitioner from IGNOU is acceptable and registerable on the file of the 3rd respondent, sought for two weeks time for registration.

5. Accepting the request made by the learned Counsel for the 3rd respondent, this Court hereby directs the 3rd respondent, namely, The Registrar, Tamil Nadu Nurses and Midwives Council, No.140, Santhome High Road, Chennai-600 004. to register the B.Sc. Nursing Degree obtained by the petitioner from IGNOU within a period of two weeks from the date of receipt of a copy of this Order.

6. In view of the above direction, the impugned order dated 17.08.2007 bearing Ref.No.82/NC/2007 of the 3rd respondent is set aside and the Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Union of India,
Department of Health and Family Welfare,
Ministry of Health and Family Welfare
(Nursing Division),
New Delhi.

2. The Secretary,
Indian Nursing Council,
Combined Council Building,
Kotla Road,
Temple Lane, New Delhi-110 002.

3. The Registrar,
Tamil Nadu Nurses and Midwives Council
No.140, Santhome High Road,
Chennai-600 004.

4. The Regional Director,
Indira Gandhi National Open University,
CIT Campus,
Tharamani, Chennai-600 113.

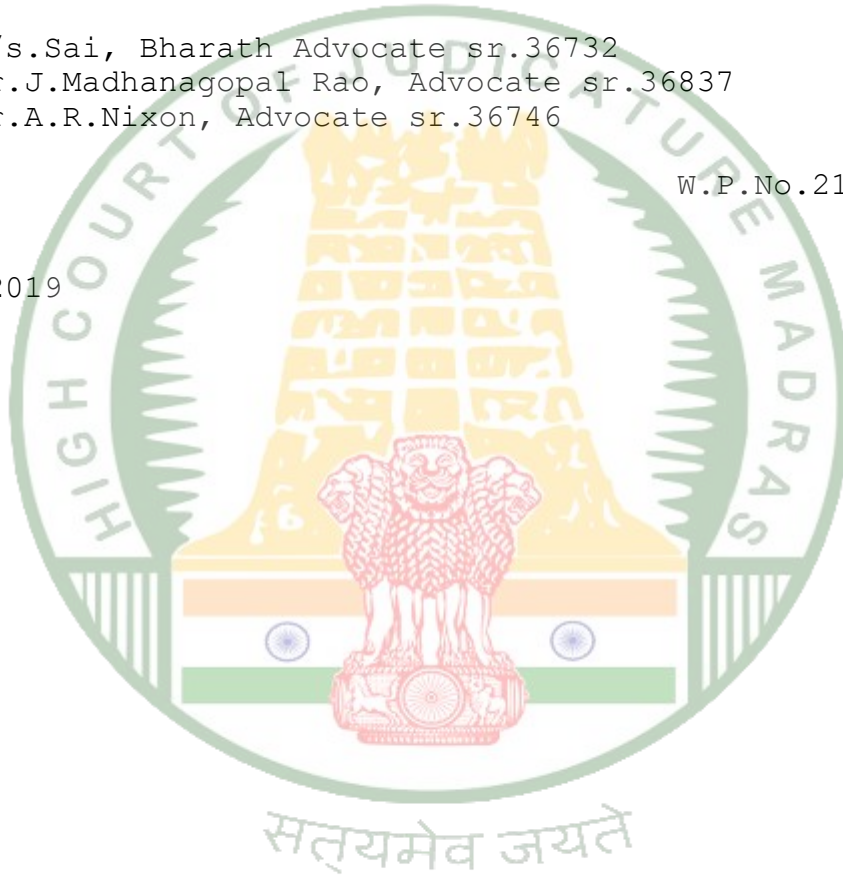
+1cc to M/s.Sai, Bharath Advocate sr.36732

+1cc to Mr.J.Madhanagopal Rao, Advocate sr.36837

+1cc to Mr.A.R.Nixon, Advocate sr.36746

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