



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.19872 of 2019
and WMP.19405 of 2019

N.Dhinakaran
Nursing Tutor Grade - II,
School of Nursing,
Coimbatore Government Medical College,
Coimbatore.

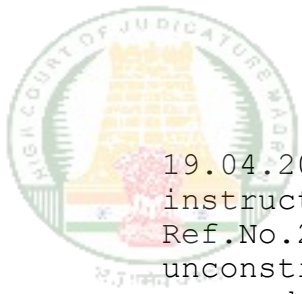
...Petitioner

Vs

1. The State of Tamil Nadu rep.by
The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
2. The State of Tamil Nadu rep.by
The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai - 9
3. The Director of Medical Education,
Periyar E.V.R.High Road,
Kilpauk, Chennai - 10.
4. The Secretary,
Indian Nursing Council,
8th Floor, NBCC Centre, Plot No.02,
Community Centre, Okhla Phase - I,
New Delhi 110 020.
5. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Santhome High Road,
Chennai - 4.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Declaration declaring the adhoc rules issued in G.O.Ms No.285 Health and Family Welfare (AA2) Department, dated 04.09.2008 published in Gazette No.40 on 15.10.2008, subsequent amendment issued in G.O.Ms.No.113 Health and Family Welfare (AA2) Department, dated



19.04.2017 published in Gazette No.19 on 10.05.2017 and the instructions issued by the third respondent in Ref.No.28116/N2/2019 dated 24.06.2019 as illegal, unconstitutional and ultra vires and further direct the respondents to fix the qualifications in accordance with the Indian Nursing Council norms.

For Petitioner : M/s.S.Sivakumar

For Respondents: Mr.E.Manoharan,
Additional Government Pleader
for R1 to R3
Mr.V.Jayaprakash Narayanan for R5

O R D E R

[Order was delivered by S.MANIKUMAR,J]

The petitioner has sought for issuance of a Writ of Declaration declaring the adhoc rules issued in G.O.Ms No.285 Health and Family Welfare (AA2) Department, dated 04.09.2008 published in Gazette No.40 on 15.10.2008, subsequent amendment issued in G.O.Ms.No.113 Health and Family Welfare (AA2) Department, dated 19.04.2017 published in Gazette No.19 on 10.05.2017 and the instructions issued by the third respondent in Ref.No.28116/N2/2019 dated 24.06.2019 as illegal, unconstitutional and ultra vires and further direct the respondents to fix the qualifications in accordance with the Indian Nursing Council norms.

2. When a question viz., as to whether a person, who does not satisfy the prescribed qualification can challenge the rules, and seek for any declaration, was posed to Mr.S.Sivakumar, learned counsel appearing for the petitioner, his specific answer is that such person has no locus standi to challenge the rules.

3. Placing on record the above submission, we are not inclined to go into the averments or the grounds, supporting the prayer sought for. Accordingly, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

dpq



To

1. The State of Tamil Nadu rep.by
The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
2. The State of Tamil Nadu rep.by
The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai - 9
3. The Director of Medical Education,
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Community Centre, Okhla Phase - I,
New Delhi 110 020.
5. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Santhome High Road,
Chennai - 4.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No. 58180
+1cc to the Government Pleader, S.R.No. 58306

Writ Petition No.19872 of 2019
and WMP.19405 of 2019

PA(CO)
GN(08/08/2019)