



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P.(MD)No.18602 of 2017
and
W.M.P.(MD)No.14995 of 2017

Edwin Jose

... Petitioner

/Vs./

1.The Controller of Examination,
Tamil Nadu Dr.M.G.R.Medical University,
69, Anna Salai,
Guindy, Chennai - 600 032.

2.Dharmarathnakara Dr.Mahalingam Institute of Paramedical
Science and Research,
Represented by its Principal,
Sakthinagar - 638 315,
Bhavani Taluk,
Erode District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the files of the 1st respondent pertaining to its order in letter No.Ex.VIII(A)(5)/753/2017 dated 15.09.2017 and to quash the same and consequently direct the 2nd respondent to conduct the 3rd valuation of the answer paper of petitioner regarding the subject Mental Health Nursing bearing subject code 2342 with regard to 2nd year M.Sc.Nursing conducted during October 2016 and to allot appropriate marks to the petitioner held during October 2016, within a time frame fixed by this Court.

For Petitioner	: Mr.S.C.Herold Singh
For R-1	: Mr.S.Ramesh
For R-2	: Mr.Ananth C.Rajesh

ORDER

Read this in conjunction with and in continuation of earlier proceedings of this Court dated 30.09.2019, which reads as follows:

*'Mr.S.C.Herold Singh, learned counsel on
record for writ petitioner, Mr.S.Ramesh @
Ramaiah, learned Standing Counsel for Tamil Nadu*



Dr.M.G.R.Medical University on behalf of first respondent and Mr.Ananth C.Rajesh, learned counsel for second respondent are before this Court.

2. This Court is informed that writ petitioner secured an admission in M.Sc., (Nursing) course in the second respondent College which is affiliated to the first respondent University.

3. This Court is also informed that aforesaid course is two (2) years course and as far as writ petitioner is concerned, it is for the academic year 2014-15 and 2015-16.

4. Instant writ petition had been filed assailing an order made by first respondent negating writ petitioner's request for re-valuation of answer script in one paper namely, Mental Health Nursing (psychiatric).

5. Be that as it may, now on instructions, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the writ petitioner is permitted to write examination for the aforesaid one paper again. It is also submitted that writ petitioner has already taken a demand draft towards examination fee. The examination timetable is yet to be announced.

6. Learned Standing Counsel for University seeks time to get instructions and revert to this Court.

7. List in the motion list on **03.10.2019.**

2. Pursuant to and in continuation of the aforesaid earlier proceedings, today, Mr.S.Ramesh, learned counsel for first respondent has placed before this Court a typed set of papers dated 03.10.2019. Adverting to the same, it was submitted that Indian Nursing Council has issued a notification dated 15.03.2019 which reads as follows:

'Notification

Sub:Granting of Mercy Chance/Relaxation of
Maximum time period.



For candidate who are unable to complete Nursing Course in prescribed time limit (ie., double the duration of the Course), Indian Nursing Council has resolved as under:

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Maximum time limit for completing nursing course can be relaxed subject to the condition that, such candidate qualify a basic examination conducted (for the purpose) by the respective State Nursing Council in order to be allowed to continue the course/appear in the University examination.'

3. It is submitted that pursuant to the aforesaid notification of the Indian Nursing Council, first respondent has also passed a resolution on 04.06.2019 for implementing aforesaid Notification. Relevant agenda in 04.06.2019 resolution placed before this Court is Agenda No.3, and the same reads as follows:

'AGENDA NO.3

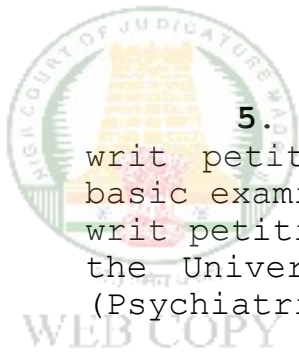
TO IMPLEMENT THE INDIAN NURSING COUNCIL, NOTIFICATION NO.F.NO.15/2018-INC DATED 15.03.2019, FOR GRANTING OF MERCY CHANCE/RELAXATION OF MAXIMUM TIME PERIOD IN NURSING DEGREE COURSES FOR THOSE CANDIDATES WHO ARE UNABLE TO COMPLETE THE COURSE IN THE PRESCRIBED TIME LIMIT IE., BEYOND DOUBLE THE DURATION OF THE COURSE.

The Board of Studies discussed with regard to implementation of the Indian Nursing Council Notification No.F.No.1-5/2018-INC dated 15.03.2019 for grating of mercy chance/relaxation of maximum period of time for those candidates who are unable to complete Nursing Course in prescribed time limit (ie., double the duration of the course). In this connection, The Indian Nursing Council has resolved as follows:

"Maximum time limit for completing nursing course can be relaxed subject to the condition that such candidates qualify a basic examination conducted (for the purpose) by the respective State Nursing Council in order to be allowed to continue the course/appear in the University Examination."

The SAB has resolved to implement the Indian Nursing Council notification dated 15.03.2019.'

4. In the light of the aforesaid position, writ petitioner now being beyond four (4) years time frame has no option other than approaching the Indian Nursing Council to take the basic examination.



5. Learned counsel for first respondent submits that if the writ petitioner approaches the State Nursing Council, takes the basic examination conducted by them, subject to outcome of the same, writ petitioner will be allowed to continue the course and appear in the University Examinations, particularly, Mental Health Nursing (Psychiatric) paper.

6. Therefore, instant Writ Petition is disposed of recording the aforesaid observations and leaving it open to the writ petitioner to approach the State Nursing Council to take the basic examination. In the light of the abridged prayer, no further orders are necessary and this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-91132[F] dated 03/10/2019)

+1 CC to M/s.S.RAMESH, Advocate (SR-91386[F] dated 04/10/2019

ORDER IN
W.P. (MD) No.18602 of 2017
Dated:03.10.2019

SM
MS/04.10.2019/4P.3C