

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.34524 of 2015 and
M.P.1 of 2015

The Trained Nurse's Association of India,
Tamilnadu State Branch rep. by its President
Prof. Mrs.Jaeny Kemp,
No.18, Valli Illak, Vinayakar Koil Street,
Pombukar Nagar, Nalvar Layout,
Rathinapuri, Coimbatore - 641 027.

.. Petitioner

Vs.

- 1.The Secretary to Government Representing
Health and Family Welfare Department,
Government of Tamilnadu, Fort St. George,
Chennai - 600 009.
- 2.The Director of Public Health and Preventive Medicine,
D.M.S. Complex, Chennai - 600 006.
- 3.The Registrar,
Tamilnadu Nursing and Midwife Council,
140, Santhome High Road, Chennai - 600 004.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forebear the respondents 1 and 2 from proposing and/or conducting the 22 months Diploma in Public Health Nursing Course for the Sector Health Nurse and Community Health Nurse in the Tamil Nadu Public Health Subordinate Service for the purpose of making them eligible to hold the post of Maternal and Child Health Officer in the second respondent for which they are unqualified.

For Petitioner : Mr.N.S.Nandakumar
For Respondents : Mr.Akhil Akbar Ali,
Government Advocate - R1 & R2
Mr.A.R.Nixon - R3

O R D E R

This Writ Petition has been filed to forebear the respondents 1 and 2 from proposing and/or conducting the 22 months Diploma in Public Health Nursing Course for the Sector

Health Nurse and Community Health Nurse in the Tamil Nadu Public Health Subordinate Service for the purpose of making them eligible to hold the post of Maternal and Child Health Officer in the second respondent for which they are unqualified.

2. The grievance of the writ petitioner is that the second respondent had issued a circular dated 31.01.2014 inviting service particulars and willingness from Sector Health Nurses and Community Health Nurses for proposed 22 months course captioned as Diploma in Public Health Nursing Training Course to make them eligible for the post of Maternal and Child Health Officers without getting any approval from the Indian Nursing Council. But the respondents 1 and 2 have not submitted proposal for the said new nursing programme. Hence, the present writ petition.

3. The learned counsel appearing for the second respondent filed a counter and in para 13 of the counter affidavit it has been stated that as per ad hoc rules for the post of Maternal and Child Health Officer, provisions have been made for those already in service and having undergone 22 months training in public Health Nursing with due registration in the Nursing Council to get promoted to the said post. It is further submitted that though the adhoc rules for the post of Maternal and Child Health Officer have been framed as per G.O.Ms.No.861, Health and Family Welfare Department, dated 24.11.1994, only in their letter dated 16.10.2015, the Tamilnadu Nurses and Midwives Council, Chennai have informed the second respondent that the Lady Health Visitors with 22 months DPHN Course is not recognised for registration as Registered Nurse and Registered Midwife under the Indian Nursing Council and Tamil Nadu Nurses and Midwives Council as per their statutory Act and on receipt of the said information from Tamilnadu Nurses and Midwives Council/ Indian Nursing Council regarding the discontinuance of the 22 months Public Health Nursing Course, no further action has been pursued to conduct the said Course. In view of the above submission, no relief can be granted to writ petitioner and this writ petition is liable to be dismissed as infructuous.

4. Accordingly, this writ petition is dismissed as infructuous. Consequently, connected miscellaneous petition is closed. No cost.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vrc

To

1.The Secretary to Government Representing
Health and Family Welfare Department,
Government of Tamilnadu, Fort St. George,
Chennai - 600 009.

2.The Director of Public Health and Preventive Medicine,
D.M.S. Complex, Chennai - 600 006.

3.The Registrar,
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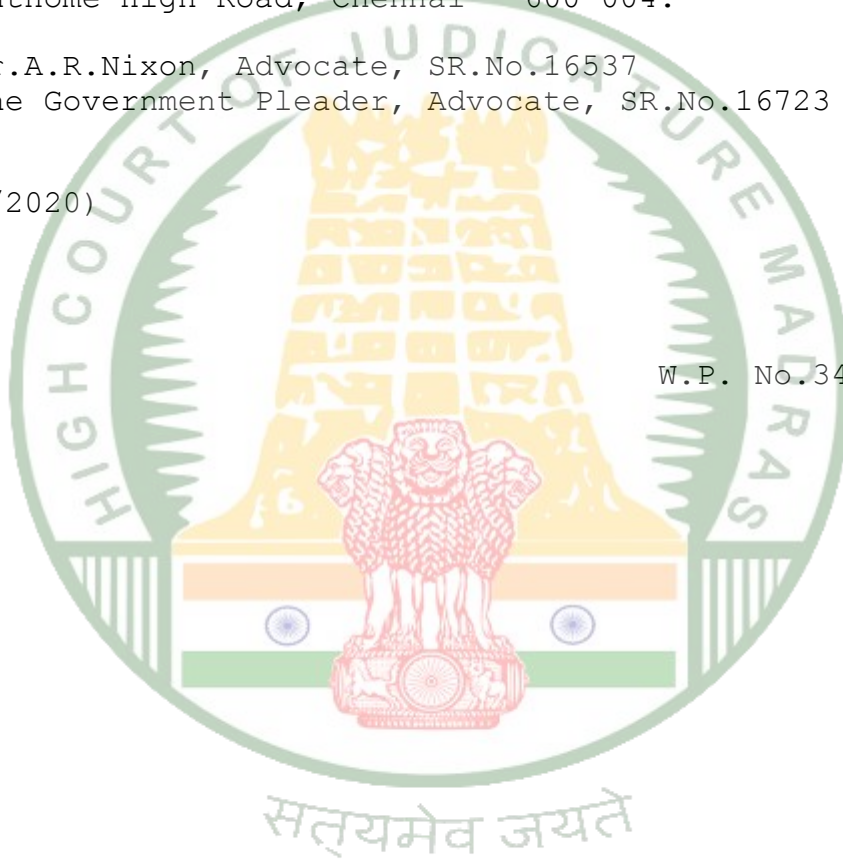
+1cc to Mr.A.R.Nixon, Advocate, SR.No.16537

+2cc to the Government Pleader, Advocate, SR.No.16723 and 17204

CP(CO)

rli(22/05/2020)

W.P. No.34524 of 2015



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