



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.19231 of 2015

and

M.P(MD).Nos.1 and 2 of 2015

WEB COPY

Vasanth Kumari

... Petitioner

-Vs-

1.The Secretary,
Health & Family Welfare Department,
Fort, St.Gorge,
Secretariat, Chennai 600 009.

2.The Director,
Public Health and Preventive Medicine,
D.M.S.Campus,
Teynapeti, Chennai 600 006.

3.The Deputy Director,
Public Health Services,
Nagercoil, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned list of candidates selected for undergoing 22 months training for the promotional post of Maternity and Child Health Officer on the file of the second respondent herein and quash the same and consequently directing the respondents to include the name of the petitioner in the said list.

For Petitioner	: Mr.A.Robinson
For Respondents	: Mr.D.Muruganandham Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the list of names sponsored to undergo 22 months training for promotion to the post of Maternal and Child Health Officer.

2.The learned Adititional Government Pleader brought to the notice of this Court that the said training could not be conducted due to the reasons stated in the counter filed by the respondents. It is relevant to extract the reason stated in the counter, which reads as under:

"It is submitted that communication has been sent to all the Deputy Director of Health Services

via this office R.No.57916/MP3/S1/10, dated

<https://hcservices.ecourts.gov.in/hcservices/>



31.01.2014, with the instructions to send the list of willing candidates to undergo 22 months Health Visitors Training for promoting them to the post of Maternal and Child Health Officer. Eventually, particulars of 86 willing candidates, including petitioner Tmt.T.Vasanthakumari had been received from all the Deputy Director of Health Services and also submitted that proposal has been sent to Government to accord permission to conduct Diploma in Public Health Nursing course training for 30 candidates from among the 86 willing candidates as per rules in the first batch in which the petitioners name comes in sl.no.11.

Further it is submitted that, in the mean time the Tamil Nadu Nurses and Midwives Council had informed vide letter No.4527/NC/2015, dated 10.09.2015 that there is no provision for conduct of Diploma in Public Health Nursing course (22 months course) & Diploma in Nursing Education and Administration course all over India since its syllabus has been incorporated in post Basic B.Sc (N) as details below.

"Tamil Nadu Nurses and Midwives Council, Chennai have informed that the Diploma in Public Health Nursing course had been replaced by Diploma in Nursing Education & Administration course by the Indian Nursing Council in accordance with National Health Policy 1983 and subsequently the Indian Nursing Council had stopped conducting of Diploma in Nursing Education & Administration course from the academic year since, the same to be upgrated to College of Nursing for Post Basic B.Sc (N) and hence as per Indian Nursing Council, there is no provision for conducting Diploma in Public Health Nursing course throughout India. In as much as the Community Health Nurse are only Primary Care License holders and are not in possession of Registered Nurse and Registered Midwife License which is being given to those who have undergone 3 years of General Nursing and Midwifery Course and the Indian Nursing Council has informed that the **22 months Diploma in Public Health Nursing course could not be conducted any more, the proposed 22 months training has not been commenced.**



WEB COPY

It is submitted that as per the instructions of Nursing Council, proposed Diploma in Public Health Nursing (22 months training) course for promotion to the post of Maternal and Child Health Officer could not be conducted due to the above mentioned reasons and is humbly prayed that this Hon'ble Court may be pleased to dismiss the writ petition as devoid of merits."

3. In view of the reasons stated that the very training itself was not conducted due to the reasons stated in the counter, no further consideration is required as far as the present writ petition is concerned. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Health & Family Welfare Department,
Fort, St. George,
Secretariat, Chennai 600 009.
2. The Director,
Public Health and Preventive Medicine,
D.M.S. Campus,
Teynapeti, Chennai 600 006.
3. The Deputy Director,
Public Health Services,
Nagercoil, Kanyakumari District.

+1 CC to SPL GP (SR-25123[F] dated 11/12/2020)

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