



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21802 of 2016

and

W.M.P.Nos.18645 to 18647 of 2016

Bharat Sevak Samaj
(Established as National Development Agency)
by Planning Commission of India),
Rep. by its Secretary,
Having office at Trivandrum.

... Petitioner

Vs

1. Union of India rep. by
Secretary, Ministry of
Human Resources Development,
South Block, New Delhi.

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai - 9.

3. The Registrar,
Tamil Nadu Nurses and Midwives
Council,
No.140, Santhome High Road,
Chennai-4.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India, to issue a writ of Certiorari, calling
for records of third respondent's impugned notification
published in Tamil daily "daily thanthi" dated 12.06.2016 and
quash the same as illegal arbitrary and unenforceable.

For Petitioner : Mr.P.T.Nalinkumar

For Respondents: Mr.S.Makesh,
CGSC, For R1.
Mr.M.S.Arasakumar,
Government Advocate, For R2.
Mr.A.R.Nixon, For R3.



O R D E R

The public notice issued by the Tamilnadu Nursing Council dated 12.06.2016 is under challenge in the present writ petition.

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2. The impugned public notice reveals that the petitioner was admitting students in respect of the nursing courses which were not approved by the Nursing Council of India and therefore, the Tamilnadu Nursing Council issued the public notice to the General Public, stating that the students undergoing courses will not get the benefit of registration under the Nursing Council of India and they will not be issued with the license to practice. The said notification is under challenge in the present Writ Petition.

3. The learned counsel for the petitioner drew the attention of this Court with reference to the public notice issued by the petitioner / Bharat Sevak Samaj that the petitioner institution is not undertaking any nursing courses in their institution. The said position is clarified in the affidavit filed in support of the writ petition. More specifically in paragraph No.8, the petitioner stated that the third respondent only on misconception of the fact had applied the provisions of Tamil Nadu Nurses and Midwives Act, 1926 to Bharat Sevak Samaj. The petitioner institution is not imparting any such nursing course as alleged so as to obtain or seek permission from Tamil Nadu Nursing Council. When the petitioner states that they have not admitting students for any Nursing courses in their institution, the public notice may not have any relevance as no students were admitted.

4. This being the factum, the writ petition itself became unnecessary and accordingly, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Union of India,
Ministry of Human Resources Development,
South Block, New Delhi.



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2. The Secretary to Government,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George,
Chennai - 9.

3. The Registrar,
Tamil Nadu Nurses and Midwives
Council,
No.140, Santhome High Road,
Chennai-4.

+1cc to Mr.V.K. Vijayaragavan, Advocate, S.R.No.66175
+1cc to Mr.A.R.Nixon, Advocate, S.R.No.66382
+1cc to Mr.S.Makesh, Advocate, S.R.No.66755
+1cc to the Government Pleader, S.R.No.67037

W.P.No.21802 of 2016

SRA(CO)
CT 07/01/2022