

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4233 of 2014

Ex NK (13967360Y) Satyaseelan

... Petitioner

Vs.

1. The Tamil Nadu Nurses & Midwives Council,
Rep. by its Registrar,
140, Santhome High Road, Mylapore,
Chennai - 600 004.

2. The Indian Nursing Council,
Rep. by its Principal Registrar,
Kotla Road, Temple Lane,
New Delhi - 110 002.

... Respondents

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to register his name in the Tamil Nadu Nurses & Midwives Council as Staff Nurse/General Nurse Male to enable him to seek professional employment and eke out a living.

For Petitioner : Mr.SP Ilangovan

For Respondents: Mr.A.R.Nixon - R2
No appearance - R1

ORDER

The prayer made in this writ petition is to direct the respondents to register the name of the petitioner in the Tamil Nadu Nurses & Midwives Council as Staff Nurse/General Nurse Male, to enable him to seek professional employment.

2.Today, when the matter was taken up consideration, the learned counsel for the petitioner submitted that in similar circumstances, this Court by order dated 02.09.2014 in WP.No.32432 of 2012, considered the issue involved herein and allowed the said writ petition. The relevant passage of the said order is usefully extracted herein:

"9. It is not in dispute that the petitioner is an ex-servicemen nursing assistants and they are qualified. Initially, in the year 1996, it has been

stated that nurse technician can be equated with general nurses and that course alone would not be eligible for registration as nurses in India. Thereafter, in the year 2009, it has been decided to grant recognition of all the para-medical courses conducted by Army Medical Corps at its training centres/institutes/hospitals. Having taken a decision to register the course with the nursing council, there is no reason as to why temporary registration was given, that too, for a period of two years. The letter clearly says that temporary registration is only for a period of two years and it is open to the persons to approach the Nursing Council within two years to get proper direction for permanent registration.

10. Since the course has been recognised, the Government is directed to accord sanction for permanent registration before expiry of the temporary registration period so that the persons who get employment or waiting for employment would not feel that but for registration they would be sacked or divested of their duties. The services rendered by the nurses and midwives to the patients are services rendered to mankind and they cannot be made to suffer by temporary registration and periodical renewal thereafter.

11. The contention of the respondents that the prayer sought for in the writ petition has already been granted and the writ petition has become infructuous, cannot be accepted as it is a temporary relief granted to the petitioner during the pendency of the writ petition. Hence, I find much force in the contention of the petitioner and direct the respondents to pass appropriate orders to enable the respondents to act on the said orders granting permanent registration before expiry of the two years time, granted in the letter dated 02.01.2014 so that the employment of the persons who have already got employment and the persons who are waiting for employment in the queue seeking employment would get benefited, without any hindrance.

12. Accordingly, this writ petition is allowed. No costs."

Hence, the learned counsel prayed for similar order in this writ petition as well.

3. The learned counsel appearing for the first respondent has fairly conceded the submissions so made by the learned counsel for the petitioner.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the claim of the petitioner relating to permanent registration and pass appropriate orders, in the light of the aforesaid order dated 02.09.2014 passed in WP.No.32432 of 2012, within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Registrar,
The Tamil Nadu Nurses & Midwives Council,
140, Santhome High Road, Mylapore,
Chennai - 600 004.
2. The Principal Registrar,
Indian Nursing Council,
Kotla Road, Temple Lane,
New Delhi - 110 002.

+1 cc to Mr.SP.Ilangovan,Advocate Sr No.150
+1 cc to M/s.A.R.Nixon, Advocate Sr No.316

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05.01.2021

AJB(CO)
RG.28.04.2021(3P.5C)