

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26875 of 2016
and W.M.P.No.23090 of 2016

NCVRT Vocational Educational Council,
Rep. by its Southern Regional Co-ordinator
Mr.Madhaiyan Gurunathan
No.720-B, Jaina Tower II, District Centre,
New Delhi, Pincode - 110 058.

... Petitioner

Vs

1.Union of India
Rep. by Secretary,
Ministry of Human Resource 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 - 600 009.

3.The Registrar,
Tamil Nadu Nurses and Midwives Council,
No.140, Santhome High Road,
Chennai - 600 004.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to disturb the smooth functioning of the petitioner, namely, NCVRT Vocational Educational Training Council, its Training Centres/affiliated Vocational Training Centres and its activities in any manner.

For Petitioner : Mr.A.Edinbrough

For Respondents

R1 & R3 : Mr.A.R.Nixon

R2 : Mr.D.Ravichandar
Special Government Pleader [Edn.]

O R D E R

The relief sought for in the present writ petition is to direct the respondents not to disturb the smooth functioning of the petitioner's NCVRT Vocational Educational Training Council, its Training Centres/affiliated Vocational Training Centres and its activities in any manner.

2.The petitioner states that they are offering various para medical courses. The NCVRT Vocational Educational Council is the incorporated registered and non-profitable Company [Charitable] under the Companies Act, 2013. However, the petitioner admitted the fact that the 1st respondent is the competent authority to govern and make rules and regulations in respect of the para medical courses offered by the petitioner Council. Thus, the respondents are bound to recognize the petitioner Institution by not interfering with their activities.

3.The learned Special Government Pleader appearing on behalf of the second respondent brought to the notice of this Court that the petitioner Institution is admitting students and conducting course without obtaining valid approval from the competent authorities and therefore, no recognition can be granted to such Institution as it is unauthorized. In this regard, it is submitted that the Tamil Nadu Nurses and Midwives Council, Chennai has filed a writ petition in W.P.No.16556 of 2014 before this Court with a prayer to pass an order of injunction restraining the respondent 1 and 2 therein from conducting any course in the name of Nursing within the State of Tamil Nadu and also prayed to direct the respondents 3 and 4 to permanently ban the above Courses being conducted by the respondents 1 and 2 within the State of Tamil Nadu based on the representation of the petitioner dated 21.05.2012.

4.This Court passed an order on 13.04.2015, which is as follows:

"6.The petitioner Council has not approached the Government for necessary action in this regard nor exercised their statutory power. Be that as it may the complaint is that the Government is a mute spectator to all these illegal activities and has not initiated any action.

7.Taking note of the above facts and also the order passed by the Karnataka High Court against the respondents 1 and 2, the 4th respondent is bound to take appropriate action against such institutions which do not have approval for conducting nursing or midwives courses from the Petitioner's Council. In this regard, the petitioner is directed to submit a representation

to the 4th respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such representation being received, the 4th respondent shall take note of the representation and take appropriate legal action forthwith to prevent such institutions which do not have proper approval from the competent authority including the petitioner and also sensitize the public in this regard so that the innocent students should not be put to peril. The Government, the fourth respondent shall take appropriate action in this regard within a period of four weeks from the date of such representation being made."

5. Therefore, the issues raised in the present writ petition were considered and the Government also implemented the order and issued instructions to the competent authorities. Accordingly, para medical courses cannot be conducted and students cannot be admitted without obtaining prior approval from the competent authorities by following the procedures as contemplated. Admittedly, the petitioner has not obtained any such approval and the said position has been clarified in paragraph 16 of the Counter affidavit which reads as follows:

"16. With reference to the averments made in paragraphs 13 to 16 of the affidavit, I submit that the above training courses conducted by the petitioner's centres could not be considered as vocational training courses as these courses are coming under the health sector and the petitioner Institutions are not approved by the Government of Tamil Nadu to conduct such courses in the State of Tamil Nadu. The petitioner has running the Private Paramedical Training Centres and he did not authorized to give such affiliation to the Private Paramedical Training Centres within the State by the Government of Tamil Nadu as per the orders in force. As far as the Paramedical Courses are concerned, the proposals for starting/conducting paramedical courses should be submitted to the Government through the Director of Medical Education for granting necessary recognition. The petitioner has not submitted any such proposal to the Government of Tamil Nadu for seeking recognition. Hence, I submit that the Centres run by the petitioner are not recognized by the Government for imparting said Training Courses in the health sector. The Centres run by the petitioner are affiliated only to the Private Organisations which are not authorized to conduct

such programmes in the State of Tamil Nadu."

6.In view of the facts and circumstances, the petitioner has not established any acceptable ground for the purpose of considering the relief sought for in the present writ petition and consequently, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

cse

To

1. The Secretary,
Union of India
Ministry of Human Resource Development,
South Block, New Delhi.
2. The Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
3. The Registrar,
Tamil Nadu Nurses and Midwives Council,
No.140, Santhome High Road,
Chennai - 600 004.

+1cc to Mr.A.R.Nixon, Advocate SR.No.942

+1cc to Government Pleader SR.No.1666

W.P.No.26875 of 2016

GPL(CO)
GMY(02/02/2022)