



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.18177 of 2020
and

W.M.P.No.14149 and 22804 of 2021

Dr.R.Shankar Shanmugam

.. Petitioner

vs

1. The Secretary to Government,
Health and Family Welfare Dept.,
Fort St. George, Chennai 09.
2. The Director of Medical Education,
Poonamallee High Road, Kilpauk,
Chennai 10.
3. The Secretary,
Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I, New Delhi 110 020.
4. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Santhome High Road, Chennai-04.
5. Lilly Pushpam
6. T.R.Latha

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring the adhoc rules in G.O.Ms.No.285, Health and Family Welfare (AA2) dated 04.09.2008 published in Gazattee on 15.10.2008 and the consequential amendment issued in G.O.Ms.No.113, Health and Family Welfare (AA2) Department dated 19.04.2017 published in Gazattee on 10.05.2017 issued by the 1st Respondent are unconstitutional and ultra vires and further direct the



respondents to fix the qualifications as per the Indian Nursing Council norms consequently promote the petitioner as Principal in the college of Nursing.

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For the Petitioner : Mr.K.S.Viswanathan
for Mr.G.Ilamurugu

For the Respondents : Mrs.R.Anitha
Spl G.P. for RR 1 and 2

: Mr.B.Deepak Narayanan
for R-3

: Mr.R.Thomas for R-4

: Mr.C.Prakasam for RR 5 and 6

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Learned Special Government Pleader has placed on record the amendment to G.O. (Ms.) No.188, Health and Family Welfare (AA2) Department, dated 13.06.2022, bringing amendment to Rule 3 of the Adhoc Rules relating to the post of Principal, College of Nursing in Government Medical Colleges in the Tamil Nadu Medical Service. Now, as per the amended Rule 3, the promotion to the post of Principal would be considered from the category of Reader in Nursing.

2. Learned counsel for the petitioner is satisfied with the aforesaid amendment to Rule 3 in the G.O. Dated 13.06.2022.

3. Accordingly, the writ petition has become infructuous in regard to the issue aforesaid and is dismissed. The G.O. dated 13.06.2022 amending Rule 3 is taken on record.

4. At this stage, the learned counsel for the petitioner sought permission that if, in future, any issue pertaining to qualification comes, then he should be permitted to raise it separately. The prayer aforesaid is granted.



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No costs. Consequently, W.M.P.Nos.14149 and 22804 of 2021 are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Secretary to Government,
Health and Family Welfare Dept.,
Fort St. George, Chennai 09.
2. The Director of Medical Education,
Poonamallee High Road, Kilpauk,
Chennai 10.
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4. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Santhome High Road, Chennai-04.

+2ccs to Mr.R.Thomas, Advocate, S.R.No.36285
+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.35185
+1cc to the Government Pleader, S.R.No.35548

W.P.No.18177 of 2020

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