



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.25055 OF 2021

AND

WMP.NO.26396 OF 2021

A.Pascaline Gracia

...Petitioner

Vs

1.Indian Nursing Council,
Rep. by its Secretary,
8th Floor, NBCC Center,
Plot No.2, Community Center,
OKHLA PHASE-1,
New Delhi 110 020.

2.Government of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.

3.The Director of Medical Education,
Poonamallee High Road,
Kilpauk, Chennai-600 010.

4.Dr.MGR Medical University,
Rep. by its Registrar,
Chennai.

5.A. Dr. Vimal College of Nursing,
Rep. by its Correspondent,
Pennathur, Vellore-632 011.

6.A.Vijaya Kumar,
Correspondent and Managing Trustee,
A. Dr. Vimal College of Nursing,
Pennathur, Vellore-632 011.

7.The Principal,
A. Dr. Vimal College of Nursing,
Pennathur, Vellore-632 011.

...Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing Respondents 5-7 to revoke and recall the oral order refusing to allow the petitioner to attend the 4th year B.Sc. Nursing Course classes and from staying the petitioner in the hostel with boarding with effect from August 2021; to cancel and recall the oral order imposing a fine of Rs.25,000/- to her father and demanding and insisting us to pay a total sum of Rs.1,12,500/- towards additional fee under various heads as a condition to allow her to attend the classes and to attend and write the Practical and theoretical examinations and direct them to give the petitioner's attendance from July 2021 and to continue her studies in 4th year B.Sc. Nursing Course in their college and to allow the petitioner to appear for both practical and theoretical University examinations by collecting the examination fee and issuing hall ticket, without insisting for payment of any fine or any additional fee and by allowing the petitioner to stay and board in the hostel, till the petitioner complete the course and till she complete the examinations and direct the Respondents to issue the petitioner degree certificate, convocation, conduct certificate, transfer certificate and all her original certificates, award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Ms.S.Bhargavi (for R1)

Mr.C.Jayaprakash (for R2 & R3)
Government Advocate

Mr.D.Ravichander (for R4)
Standing Counsel

Mr.P.Chandrasekar (for R5, R6 & R7)

O R D E R

Heard Mr.Ajoy Khose, learned counsel appearing for the petitioner, Ms.Bhargavi, learned counsel for R1, Mr.C.Jayaprakash, learned Government Advocate for R2 and R3, Mr.D.Ravichander, learned Special Government Pleader for R4 and Mr.P.Chandrasekar, learned counsel for R5, R6 and R7.

2.Read this order in conjunction with earlier orders of this Court dated 25.11.2021 and 31.01.2022.

3.Learned counsel for the petitioner as well as the College concur on the position that the entirety of the amount of Rs.1,12,500/- has been paid by the petitioner. She has been attending classes since 04.02.2022.



4. Only two things now remain as regards the mandamus sought for by the petitioner. The first is as regard the petitioner's eligibility to write the upcoming supplementary examinations (month and date to be notified). The respondents would unambiguously concur on the position that the petitioner will be permitted to write the examinations subject to her having sufficient attendance. In this connection, the period between 03.01.2022 and 03.02.2022 becomes relevant as the petitioner's case is that she has not been permitted to enter the college whereas the respondents would argue that she in fact did not attend the college.

5. This being a disputed question of fact, I leave this question open. Let the authorities take a decision in this regard after hearing the petitioner, should such request be made by the petitioner.

6. With this, the writ petition stands disposed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

vs

To

1. The Secretary

Indian Nursing Council,
8th Floor, NBCC Center,
Plot No.2, Community Center,
OKHLA PHASE-1,
New Delhi 110 020.

2. The Principal Secretary,

Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai-600 009.

3. The Director of Medical Education,

Poonamallee High Road,
Kilpauk,
Chennai-600 010.



4.The Registrar,
Dr.MGR Medical University,
Chennai.

+2ccs to Mr.P.Chandrasekar, Advocate, Sr.No.7865

+2ccs to M/s.Ramalingam & Associates, Advocate, Sr.No.7917

+1cc to the Government Pleader, Sr.No.8028

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SSV(CO)
RVM(16/02/2022)