



W.P.No.27276 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27276 of 2022
and W.M.P.Nos.26473 & 26474 of 2022

K.Sadasivam

.... Petitioner

-Vs-

1.The Government of Tamil Nadu
Rep.by its Principal Secretary
Department of Health and Family
Welfare, Secretariat, Chennai.

2.The Registrar
Tamil Nadu Nurses and Midwives Council
Jayaprakash Narayanan Maligai
Old No.140, New No.56
Santhome High Road, Mylapore
Chennai 600 004.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the impugned order dated 13.09.2022 passed by the 2nd respondent in Ref.No.90/NC/22 and quash the same.

For Petitioner : Mr.S.Thangasivan for Mr.D.R.Arun Kumar

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader



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ORDER

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The prayer sought for herein is for a Writ of Certiorari calling for the records pertaining to the impugned order dated 13.09.2022 passed by the 2nd respondent in Ref.No.90/NC/22 and quash the same.

2. The petitioner is a Nursing Institute duly recognized by the authorities concerned. While that being so, the second respondent ie., Tamil Nadu Nurses and Midwives Council seems to have conducted a surprise inspection based on an anonymous complaint on 07.09.2022, where, according to the second respondent, certain deficiencies were found in the Institute of the petitioner and based on which straight away orders of withdrawal of recognition has been passed by the second respondent by the impugned order dated 30.09.2022.

3. Assailing the same, the learned counsel for the petitioner would contend that, if at all any inspection is conducted where, if there is any alleged deficiencies are found, based on which show cause notice should have been issued and after giving an opportunity to the petitioner, then only further action should have been decided by the respondents, without which the second respondent since passed a drastic order of withdrawal of recognition straight away, without giving any notice or put the petitioner on notice, it is palpably wrong and it goes against the principles of natural justice. Therefore, on that



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ground alone, the order impugned would not stand in the legal scrutiny, he contended.

4. Heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the respondents, who would submit that pursuant to the surprise inspection conducted by the second respondent since certain deficiencies were pointed out, based on which this order has been passed. However, this order impugned can be treated as show cause notice by the petitioner and within a time frame reply can be given by the petitioner, based on which further course of action can be decided. Hence, withdrawal portion alone can be interfered by this Court only on the ground that no show cause notice has been issued to the petitioner.

5. I have heard the learned counsel on either side especially the fair stand taken by the learned Special Government Pleader. Since it is a fact that no show cause notice has been given before passing the impugned order and by virtue of this order there has been a civil consequence, which would impact the petitioner institute, which is an educational institution, such an order should not have been passed by the second respondent without giving show cause notice and without giving an opportunity of hearing to the petitioner.

6. In that view of the matter, this Court is inclined to disposed of this writ



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petition with the following order.

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- That the impugned order in Ref.No.90/NC/22 dated 13.09.2022 passed by the 2nd respondent, to the extent it withdraws the approval / recognition of the petitioner institute and the consequential order of transfer of students, is hereby set aside.
- However, the rest of the portion of the impugned order shall be treated as show cause notice and for such show cause notice dated 30.09.2022, treating it as a show cause notice, the petitioner institute shall give its reply within a period of four weeks from the date of receipt of a copy of this order.
- On getting the reply, it is for the second respondent to take decision with regard to the further action by giving further opportunity of being heard to the petitioner and accordingly final orders can be passed on merits and in accordance with law thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

12.10.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy tomorrow (13.10.2022)



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To

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- 1.The Principal Secretary to Government
Department of Health and Family
Welfare, Secretariat, Chennai.
- 2.The Registrar
Tamil Nadu Nurses and Midwives Council
Jayaprakash Narayanan Maligai
Old No.140, New No.56
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R. SURESH KUMAR, J.

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