



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.7255 of 2022

and

W.M.P. [MD]No.5525 of 2022

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Shanmuga Educational Trust,
Rep. by its Chairman,
2/52-A, Alankulam, Nochikulam Post,
Sankarankovil - 627 755.
Tenkasi District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
- 2.The Indian Nursing Council,
Rep. by its Secretary,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I, New Delhi - 110 020.
- 3.The Tamil Nadu Nurses and Midwives Council,
Rep by its Registrar,
Jeyaprakash Narayanan Maligai,
Santhome High Road,
Mylapore,
Chennai - 600 004.
- 4.The Director of Medical Education,
Kilpauk,
Chennai - 600 010.
- 5.The Tamil Nadu Dr.M.G.R. Medical University,
Rep. by its Registrar,
No.69/40, Anna Salai,
Guindy, Chennai - 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent State Government to give permission to the petitioner forthwith for establishing the Nursing College namely 'Shanmuga College of Nursing' at Poigaimedu, Sankarankovil Taluk in Tenkasi District.



For Petitioner

: Mr.K.Prabhu

For Respondents 1, 3 & 4 : Mr.N.G.A.Nataraj

Government Advocate

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O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent State Government to give permission to the petitioner forthwith for establishing the Nursing College namely 'Shanmuga College of Nursing' at Poigaimedu, Sankarankovil Taluk in Tenkasi District.

2.According to the petitioner, they have satisfied almost all the requirements of the Government for establishing a nursing college at the aforementioned address. However, till date, the first respondent has not granted no objection for setting up a nursing college by the petitioner trust.

3.Learned Government Advocate appearing for the respondents 1, 3 & 4 on instructions would submit that the proposal submitted by the petitioner has already been closed on the ground that they have not satisfied certain conditions and in particular he referred to a letter dated 26.07.2021 issued by the Director of Medical Examination to the petitioner, wherein it has been said that if the conditions are not met by the petitioner within 15 days, the proposal of the petitioner will stand closed. Since 15 days period has already got expired from 01.12.2021, the proposal submitted by the petitioner now stands closed according to the learned Government Advocate. Therefore, since the proposal submitted by the petitioner for setting up a nursing college has already been closed, the petitioner will have to necessarily submit a fresh proposal to the first respondent seeking for their no objection for starting a nursing college at the aforementioned address. Learned Counsel for the petitioner is also agreeable for the same.

4.After recording the submissions made by the respective Counsels, this Court directs the petitioner to submit a fresh proposal to the first respondent seeking for no objection to start a nursing college namely 'Shanmuga College of Nursing' at Poigaimedu, Sankarankovil Taluk in Tenkasi District, within a period of four [4] weeks from the date of receipt of a copy of this order, satisfying the requirements of the first respondent and on receipt of the said proposal, the first respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting them the right of personal hearing within a period of twelve [12] weeks, thereafter.



5. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

MR

To

1. The Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Secretary,
Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I, New Delhi - 110 020.
3. The Registrar,
Tamil Nadu Nurses and Midwives Council,
Jeyaprakash Narayanan Maligai,
Santhome High Road,
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Chennai - 600 004.
4. The Director of Medical Education,
Kilpauk,
Chennai - 600 010.
5. The Registrar,
Tamil Nadu Dr.M.G.R. Medical University,
No.69/40, Anna Salai,
Guindy, Chennai - 600 032.

+1 CC to M/s.K. PRABHU, Advocate (SR-19708[F] dated 20/04/2022)

+1 CC to M/s.SPL.GP. (SR-19749[F] dated 20/04/2022)

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