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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD)No.20079 of 2021

and

WMP(MD)No.16779 of 2021

Solai Muthiah Educational and
Charitable Trust,
Rep.by its Chairman,
T.Cheetiapatti, Thottappanayakanur Post,
Usilampatti Taluk – 625 532,
Madurai District.

... Petitioner

VS.

- 1.The State of Tamil Nadu,
Rep.by its Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai – 09.
- 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 Court, Mylapore,
Chennai – 600 004.



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4.The Director of Medical Education,
Kilpauk, Chennai – 600 010.

5.The Tamil Nadu Dr.MGR.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, to issue Writ of Mandamus directing the 1st respondent State Government to give permission to the petitioner forthwith for establishing the Nursing College namely Solai College of Nursing at T.Chettiapatti, Usilampati Taluk in Madurai District.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mr.T.Amjad Khan, Government Advocate for R1

Mr.R.Murali, Standing counsel for R2

No appearance for R3

Mr.S.Ramesh for R5

COMMON ORDER

Heard the learned counsel on either side.



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2.The petitioner submitted an application dated 30.12.2020 seeking permission to start B.Sc Nursing College for the academic year 2021-2022. Since it was not considered, this writ petition came to be filed. An interim order was granted in favour of the petitioner on 23.12.2021. The Government has filed counter affidavit and it is stated that the petitioner's application is under active consideration. However, the petitioner has to produce building completion certificate from the Director of Town and Country Planning. DTCP has clarified vide communication dated 28.12.2021 that since the building in question was completed prior to G.O Ms.No.53 dated 16.04.2018, the question of issuing completion certificate by DTCP will not arise. The first respondent is directed to consider the petition mentioned application without insisting on such completion certificate from DTCP.

3.The writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

23.12.2022

Index : Yes / No
Internet : Yes/ No
skm

Issue order copy by 23.12.2022



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G.R.SWAMINATHAN, J.

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