



WEB COPY

W.P.No.34000 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34000 of 2012

and

M.P.No.1 of 2012

Madras South West Rotary Projects
Charitable Trust,
No.9, Vellala Street,
Kodambakkam, Chennai 600 024.
Rep. by its Trustee Dr.Hisamuddin Papa

... Petitioner

Vs.

- 1.The State of Tamil Nadu, rep by its
Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai – 600 009.
- 2.The Registrar,
Tamil Nadu Nurses and Midwives Council,
Jayaprakash Narayanan Maaligai,
140, Santhome High Road, Mylapore,
Chennai 600 004.
- 3.The Director of Medical Education / Chairman,
Board of Examiners for GNM
Kilpauk, Chennai 600 010.



4. Vijaya Medical and Educational Trust,
175, N.S.K.Salai, Vadapalani,
Chennai 600 026, rep. by its
Managing Trustee V.Venugopal Reddy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the order of the 1st respondent in G.O. (4D) No.6, Health and Family Welfare Department dated 20.09.2011 and to quash the same.

For Petitioner	: Mr.S.Abu Backer Sidhic For Mr.V.S.Siva Sundaram
For R1 & R3	: Mr.P.Sanjay Gandhi Government Advocate
For R2 & R4	: No Appearance

ORDER

The Government order issued in G.O.(4D) No.6, Health and Family Welfare Department dated 20.09.2011 granting permission to Vijaya Medical Educational Trust, Vadapalani to start a new school of nursing in the name and style as Vijaya School of Nursing at 175, NSK Salai, Vadapalani, Chennai-26 to conduct DGNM Course with an annual intake of 20 students from the academic year 2011-2012 is under challenge in the present writ petition.



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2. The petitioner states that they are running the Nursing School under the name and style of “Rotary School of Nursing”. The 1st respondent granted permission in G.O.Ms.No.102, Health and Family Welfare Department dated 15.02.1995 to train nurses to diploma courses with intake of 20 candidates a year and allow them to appear for Government examinations being conducted by the director of medical Education. While so, even without submitting an application, the 4th respondent secured the impugned order for running a school of nursing in the name and style of Vijaya Nursing.

3. The learned counsel for the petitioner states that the order impugned granting permission in favour of he 4th respondent is in violation of the provisions of the Statute and is granted on extraneous considerations. However, the permission to the 4th respondent was granted from the academic year 2011-2012 in order dated 20.09.2011 and almost 12 years lapsed.

4. On account of efflux of time, this Court is of an opinion that the permission granted in the year 2011 cannot be now interfered with, by this Court, in the present writ petition. However, if any irregularity or illegality has been committed during subsequent years for the continuance of the



nursing course by the 4th respondent, then the petitioner is at liberty to approach the competent authority. However, the grievance of the petitioner in this regard cannot be dealt with by this Court. Thus, the petitioner may approach the competent authorities, if any grievances exists in this regard.

5. With this liberty, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

21.03.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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