



W.P.Nos.13016 & 21761 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.Nos.13016 & 21761 of 2023
and WMP.Nos.12815 of 2023

W.P.No.13016 of 2023 :

JK College of Nursing & Paramedicals
Rep by its Correspondent K.S.Gita
S.F.No.90, Kamaraj Raod
Near ESI Hospital, Uppilipalayam
Coimbatore - 641 015.

... Petitioner

Vs.

1.The Registrar
The Tamil Nadu Dr.MGR Medical University
No.69, Annasalai, Guindy
Chennai - 600 032.

2.Tamil Nadu Nurses and Midwives Council
Jayaprakash Narayan Maligai
New No.56, Santhome High Road
New Santhome Church
Mylapore, Chennai - 600 004.

... Respondents



W.P.Nos.13016 & 21761 of 2023

W.P.No.21716 of 2023 :

- 1.M.Iswaraya
- 2.E.Jenifer
- 3.S.Deepika
- 4.S.M.Mohamed Nabees Ali
- 5.M.A.Mohamed Mufarish
- 6.B.Bavatheeswaran
- 7.S.A.Mohamed Halith
- 8.S.Nesa Judson
- 9.S.T.Sanjai Raj
- 10.I.S.Berzin

... Petitioners

Vs.

- 1.The Registrar
The Tamil Nadu Dr.MGR Medical University
No.69, Annasalai, Guindy
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- 2.The Registrar
Tamil Nadu Nurses and Midwives Council
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Mylapore, Chennai - 600 004.

- 3.JK College of Nursing & Paramedicals
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Near ESI Hospital, Uppilipalayam
Coimbatore - 641 015

... Respondents



W.P.Nos.13016 & 21761 of 2023

Prayer in W.P.No.13016 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned letter dated 05.04.2023 bearing Ref.No.Lr.No.Affln.II(4)/34876/2019 of the first respondent quash the same and further direct the respondents to issue Certificate of Registration (COR) for increase of seats from 40 to 50 for the B.Sc., Nursing Degree Course for the academic year 2021-2022 onwards instead of 2023-2024.

Prayer in W.P.No.21761 of 2023 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to permit the petitioners to write the Supplementary Examination, 2023 for the I year Course B.Sc., Nursing in the third respondent college.

In W.P.No.13016 of 2023 :

For Petitioner : Mr.T.Mohan, Senior Advocate
Assisted by Mr.R.Anishkumar

For Respondents : Mr.E.Om Prakash, Senior Counsel
for Mr.Imayavaramban
of M/s.Ramalingam & Associates for R1

Mr.A.R.Nixon for R2

In W.P.No.21761 of 2023 :

For Petitioners : Mr.K.S.Viswanathan, Senior Advocate
Assisted by Mr.Ali Hasan Khan



W.P.Nos.13016 & 21761 of 2023

For Respondents : Mr.E.Om Prakash, Senior Counsel
for Mr.Imayavaramban
for M/s.Ramalingam & Associates for R1

Mr.A.R.Nixon for R2

Mr.T.Mohan, Senior Advocate
Assisted by Mr.R.Anishkumar for R3

COMMON ORDER

These two writ petitions today literally have become infructuous since a solution to the problem involved in these cases have been found. To give a backdrop to these cases, this Court only deems it to reproduce the order passed by this Court on 17.10.2023 and 20.10.2023, and they read as below :

" Order on 17.10.2023 :

The issue here is that the petitioner in W.P.No.13016 of 2023 had admitted 10 students more than its approved strength of 40 students for B.Sc., Nursing course for the academic year 2021-2022. These 10 students who were admitted in the academic year 2021-2022 find themselves stranded. What to do with this 10 children is the theme, not only in this petition, but in the connected W.P.No.21761 of 2023 filed by the students themselves.

2. The case was heard at length, and it was reserved for orders. Indeed, it was also notified for pronouncing orders on 09.10.2023, but right towards the fag end of preparation of the order, this Court



right towards the fag end of preparation of the order, this Court entertained some doubt vis-a-vis certain aspects raised by the University. Therefore, it thought it fit not to pronounce the orders, and chose to post the matter for clarification.

3. When the matter came up for clarification on 13.10.2023, certain alternate proposals also came to be shared at the Bar, taking the Court into confidence. Both the Nursing Council and the University came out with redemption plan for securing the interest of these 10 students. According to this plan, the 10 students can be shifted to those colleges in Coimbatore or in adjacent districts where there are vacancies.

4. Today, a list of affiliated institutions for B.Sc., Nursing in Coimbatore (24 colleges) and Tiruppur (6 colleges) for the academic year 2021-2022 is furnished, in which 6 colleges out of 24 colleges in Coimbatore District, and 2 colleges out of 6 colleges in Tiruppur District have vacancies. Indeed, in all there are altogether 10 vacancies in six colleges in Coimbatore, and 3 vacancies in two colleges in Tiruppur. While this mechanism can be worked out, it has to be worked out within a time frame. The students though have completed their course, are yet to sit for the examination. Indeed, they have not even registered themselves with the Controller of Examinations of the University. This is essentially because their admission was not against the approved strength. By transferring these 10 students who have completed their studies in petitioner-college, to those colleges where there are vacancies, these children can atleast sit for the examination.



which includes the transferee college, the procedure can be completed within a period of one week. And, as and when the procedure is completed, the University will waste no time that these children are registered. The learned senior counsel for the University also promised that once the registration process is completed, they will pass the list of students to Nursing Council.

6. Now comes the last phase of the difficulty. The supplementary exams are scheduled to take place on 30.10.2023, and the last date for registration for the examination is on 19.10.2023, and with penalty on 20.10.2023. Then comes the four intervening holidays, and this leaves only three working days before the commencement of the examination.

7. The learned senior counsel appearing for the University submitted that given the extra-ordinary situation and given the fact that the University is also anxious to see that the students are also not stranded, it may relax the date for these ten students for registration, provided the paper work is completed before that.

8. Now the ball is in the Court of the petitioners in both these petitions, and they have to take a call to which college they have to migrate. The petitioner college is also required to provide attendance details of each of the students and also their internal assessment details to enable the transferee college to consider their admission into the college. The petitioner-college in W.P.No.13016 of 2023, in particular is required to work in tandem to ensure smooth transfer of students to the college of their choice. The college also undertakes to refund the tuition fees and other fees which they may have received from the students, and transfer



other fees which they may have received from the students, and transfer the same to the college to which the children will be transferred.

Post the matter at 2.15 p.m., on 20.10.2023.

" Order on 20.10.2023 :

This order is passed in continuation to the order passed on 17.10.2023. To restate the issue briefly, it is all about accommodating ten students who have been admitted in excess of the sanctioned strength by the petitioner in W.P.No.13016 of 2023 in other colleges. What was omitted to be noted by the learned counsel for all the parties is that of the ten vacancies noted in the nursing schools in Coimbatore and Tiruppur, two are co-education colleges and others are all girls college. Now in the list of ten students, only three are girls and the remaining seven are boys. In the list already submitted, the three girls students and two boys namely B.Bavatheeshwaran, I.S.Berzin alone could be accommodated in these colleges and not the remaining five.

2.Now the petitioner college itself has made enquiries and found that three vacancies are available in Namakkal, two seats in a college in Nagercoil, and two seats available in Salem, all of which are co-education colleges. This implies the remaining five boys can be accommodated in any of the colleges in Namakkal, Nagercoil or Salem. The college also made a statement that the choice have already been given to these five boys namely Mohamed Halith, Mohamed Mufarish, Mohamed Nabees Ali, Nesa Judson and Sanjay Raj. The college also promises the Court that these boys will be accommodated in those colleges as per the choice and wish of these students.



W.P.Nos.13016 & 21761 of 2023

3.Now with barely three working days to go before the commencement of the supplementary examination, the college is required to act very swiftly. All the parties to the litigation are required to do what best they can do under circumstances to help all these students to take up the supplementary examination. Even if there is some delay for some students to register themselves with the respondents that may not halt helping few others to take the examination if it is possible. This Court is conscious of the fact that the transferee colleges to which the students have to be shifted are not before the Court and therefore it can only urge the parties but cannot pass any direction in this regard.

4.Post the matter on 31.10.2023."

2. Now this Court is informed that except two students (E.Jenifer and I.S.Berzin, the petitioners 2 and 10 respectively in W.P.No.21761 of 2023), all others have successfully migrated to some other colleges and their registration have also been completed, and they are taking supplementary exams that commenced on yesterday (30.10.2023). This Court is informed that of the two students, Berzin has opted to do engineering, and so for as the other student Jenifer is concerned, even before arrangements could be made in these petitions, she has migrated to some other college to the same course.



W.P.Nos.13016 & 21761 of 2023

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3. In view of the statements now made by the learned counsel, nothing survives for consideration, and the writ petitions are closed. It may have to be underscored that the prayer sought in W.P.No.13016 of 2023, in effect seeks a retrospective effect to the subsequent order passed by the University in increasing the strength of students from 40 to 50, for the academic year 2021-2022. Since all the surplus students have already migrated, there is hardly any need to give retrospective effect to this proceedings. No costs. Consequently, connected miscellaneous petitions are closed.

31.10.2023

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

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N.SESHASAYEE.J.,

ds

To:

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