



W.P.No. 22390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **14.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 22390 of 2022

and

W.M.P.No. 33999 of 2022

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

... Petitioner

versus

1. The Registrar,
The Tamil Nadu Dr. M.G.R. Medical University,
No. 69, Annasalai, Guindy,
Chennai – 600 032.
2. Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No. 2, Community Centre,
Okhla Phase- I,
New Delhi – 110020.
3. Tamil Nadu Nurses and Midwives Council,
Jayaprakash Narayanan Maligai,
New No. 56, Santhome High Road,
Near Santhome Church,
Mylapore,
Chennai – 600004.

... Respondents

(R2 and R3 impleaded vide order
dated 11.01.2023 made in
W.M.P.No. 34000/2022 in



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W.P.No. 22390/2022 by CVKJ

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned letter dated 13.05.2022 of the respondent quash the same and further direct the respondent to issue Certificate of Registration for increase of seats from 40 to 50 for the B.Sc Nursing Degree Course for the academic year 2021-22.

Amended Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned letter dated 13.05.2022 of the first respondent quash the same and further direct the respondents to issue necessary permission/affiliation for increase in seats from 40 to 50 students for the B.Sc Nursing Degree course at the petitioner college from the academic year 2021-2022

(Prayer amended vide order dated 11.01.2023 made in WMP.No. 33999/2022 in W.P.No. 22390/2022 by CVKJ)

For the Petitioner : Mr. T. Mohan, (SC)
for R. Anish Kumar

For the Respondents : M/s. Ramalingam & Associates
for R1
Mr. B. Deepak narayan
for R2
Mr. A.R. Nixon
Standing Counsel
R3



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ORDER

Petitioner is running a college of nursing and paramedicals. They now require attention and nursing for themselves. The strength was 40 students for the academic year 2021-2022. They sought increase in the sanctioned strength of students which they can admit from 40 to 50. This means that they sought additional 10 students to be admitted and for those 10 students to be recognized by the first respondent, the Tamil Nadu Dr. M.G.R. Medical University,

2. The first respondent had their rules and guidelines. My attention has been invited to the rules relating to BSE (Nursing), Clause 4 i. It is as follows:

4(i) Only Educational Trust/Society (hereinafter referred to as "applicant") with sufficient financial soundness and which satisfy the conditions stipulated hereunder in substatute (ii) shall be eligible for starting private Nursing College. Application from the individuals for Certificate of Registration will not be entertained.

(ii) Conditions to be satisfied by the applicant for applying for Certificate of Registration:

(a) The applicant college shall own or have a tie-up hospital with not less than 150 beds with the specialities of Medicine, Surgery,



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Obstetrics and Gynaecology and Orthopaedics/Paediatrics preferably:

The Tie-up Hospitals should have maximum 3 hospitals and the minimum 50 bedded. The Tie-up hospitals should be located within a radius of 30 ksm.

3. However during the course of hearing during the previous dates, learned counsel for the first respondent/The Tamil Nadu Dr. M.G.R. Medical University stated that even if the said respondent grants permission or sanction or affiliation for the said ten students, they must be further recognized by the Indian Nursing Council, New Delhi.

4. On the basis of such representation, this Court had impleaded the Indian Nursing Council, New Delhi and the Tamil Nadu Nurses and Midwives Council, Chennai by an order dated 11.01.2023 in W.M.P.No. 34000 of 2022.

5. A counter had been filed on behalf of the third respondent claiming that in the first instance it is the Tamil Nadu Dr. M.G.R. Medical University who will have to give recognition and thereafter they will make an inspection to examine whether the petitioner has necessary infrastructure.



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6. It is thus seen that grant of affiliation is a two stage process First the the Tamil Nadu Dr. M.G.R. Medical University will have to grant necessary approval for the ten seats. To grant such approval they will have to follow their own rules and guidelines which is extracted above. The petitioner must have a Tie-up with a hospital which has not less than 150 beds or they can Tie up with three hospitals with minimum 50 beds. The hospital should be within a radius of 30 kilometers. The petitioner should conform to all these conditions. If they conform to these conditions, then they can forward their application to the Tamil Nadu Dr. M.G.R. Medical University

7. Learned counsel for the first respondent may then examine whether the petitioner is in conformity with their rules. If they are in conformity with the rules of the Tamil Nadu Dr. M.G.R. Medical University, then to that extent an order can be passed and it can be then forwarded to the third respondent/Tamil Nadu Nurses and Midwives Council, who may then examine whether the petitioner's tie-up with the hospitals are sufficient or whether any further tie-up is required and whether the petitioner has necessary infrastructure. Entire issue revolves only around the aforementioned facts.



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8. The following directions are therefore given:

i) Irrespective of earlier communication, the petitioner may, within a period of two weeks address the first respondent/the Tamil Nadu Dr. M.G.R. Medical University. I am conscious of the fact that the impugned order had also been passed on the ground that the academic year had lapsed. The original application date was September 2021 which should be kept in mind and taken into consideration.

ii) On receipt of the application of the petitioner/the Tamil Nadu Dr. M.G.R. Medical University within a period of seven working days from that particular date pass an order regarding their satisfaction to grant consent or otherwise for affiliation.

iii) After that particular order is passed, the matter should now move on to the third respondent//Tamil Nadu Nurses and Midwives Council, who may within a period of four weeks from the date on which the file is actually received by them, pass necessary orders either accepting to grant consent or if any inspection is to be made, make



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such inspection or if any further affiliation is to be done, require the petitioner to get such affiliation either with private hospitals or Government hospitals.

9. This procedure should be completed within a period of four weeks from the date on which the third respondent receives the file. Let every such order be passed with reasons so that the petitioner would be in a position to address those reasons and rectify the defects. Before passing final orders at every stage the petitioner should also be informed whether any compliances will have to be made and opportunity to be granted to comply with those requirements.

10. The entire process should be continue and should begin with the petitioner first making an application to the respondents with the first respondent/Tamil Nadu Dr. M.G.R. Medical University.

11. The writ petition stands disposed of but if the petitioner is aggrieved by any of the orders passed by any of the authorities during this process, the petitioner is always at liberty to approach this Court. No costs. Consequently connected W.M.P.No. 21448 of 2022 is closed.



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No further orders are required in W.M.P.No. 33999 of 2022, since the writ petition stands disposed of.

14.02.2023

Index: Yes/no
mrn

To

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C.V.KARTHIKEYAN, J.
(mrn)

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