



W.P.No.20794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.20794 of 2023

Varaaki

.. Petitioner

Vs

1.Union of India,
rep. by its Secretary to Government,
Department of Health,
A Wing, Nirman Bhawan,
Maulana Azad Road,
New Delhi-110 011.

2.Indian Nursing Council (INC),
rep. by its Secretary,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I,
New Delhi-110 020.

3.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai-600 009.



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4.The Health Secretary,
Government of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai-600 009.

5.Tamil Nadu Nurses and Midwives Council,
rep. by its Secretary,
Jayaprakash Narayanan Maligai,
No.140, Santhome High Road,
(near Samthome Church)
Mylapore, Chennai-600 004.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the third and fourth respondents to consider the petitioner's representation dated 02.06.2023 and to take necessary steps to investigate into the activities of the fifth respondent Council and to ultimately take the absolute control of the fifth respondent Council by the fourth respondent.

For the Petitioner : Mr.P.Vijendran

For the Respondents : Mr.V.Chandrasekaran
for respondent No.1

: Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondents 3 and 4



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ORDER

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We have heard Mr.P.Vijendran, learned counsel for the petitioner; Mr.V.Chandrasekaran, learned counsel for the first respondent; and, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 3 and 4.

2. Mr.P.Vijendran, learned counsel for the petitioner, submits that health is more important than any other aspect. The Registrar of respondent No.5 is not functioning in accordance with law and has indulged in large scale malpractices. The petitioner had also earlier approached this Court by filing writ petition bearing W.P.No.9609 of 2017. A Division Bench of this Court, on 20.04.2017, directed the representation made by the petitioner to be decided on its own merits within twelve weeks from the date of receipt of the copy of the order. The said representation is not yet decided. The new Registrar is also indulging in the similar activities of malpractice.



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3. We can understand the grievance that an individual is committing malpractice and action is not taken against him. The petitioner wants respondent No.4 to take over the administration of respondent No.5. Respondent No.5 is the Council duly constituted under the Madras Nurses and Midwives Act, 1926. If, according to the petitioner, some directions of the Court are not followed, the petitioner has a remedy against the same, which the petitioner can avail. However, for alleged misdeeds of one or two persons, directions cannot be issued to take over the management of the Council itself.

4. With the above observations, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

14.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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