



WEB COPY



W.P.No.23621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23621 of 2023

Dr.R.Shankar Shanmugam

... Petitioner

Versus

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-09.

2.The Director of Medical Education,
Periyar E.V.R High Road,
Kilpauk, Chennai-10.

3.The Secretary,
Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I,
New Delhi-110020.

4.The Registrar,
Tamil Nadu Nurses and Midwives Council,
Santhome High Road,
Chennai-04.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus or any other appropriate Writ or order or direction in the nature of writ directing the 1st respondent to consider the representation of the petitioner dated 08.02.2023 and 01.07.2023 and consequently direct the 1st respondent to delegate the administrative and financial powers to the Principals of Government Nursing Colleges as per



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the norms of Indian Nursing Council (INC).

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For Petitioner : Mr.Ali Hassan Khan

For R1, R2 & R4 : Mr.S.Rajesh,
Government Advocate

ORDER

This Writ Petition has been filed to direct the 1st respondent to consider the representations of the petitioner, dated 08.02.2023 and 01.07.2023 and consequently, direct the 1st respondent to delegate the administrative and financial powers to the Principals of Government Nursing Colleges as per the norms of Indian Nursing Council (INC).

2.The grievance of the Writ Petitioner is that the petitioner being a Principal of the College of Nursing, Madras Medical College, Chennai, has not been given administrative power. According to him, as per the Indian Nursing Council notification, dated 05.07.2021, the Principal should be administrative head of the College. He/She should not hold qualifications as laid down by the Council. The Principal should be the controlling authority for the budget of the College and also be the drawing and disbursing officer. Besides, the Principal and Vice Principal should be



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gazetted officers in Government Colleges and of equal status (though non-Gazetted) in non-government Colleges. Despite such notification, powers have not been delegated to the petitioner, who is the Principal of College of Nursing, Madras Medical College, Chennai. In this regard, the petitioner has given representations, dated 08.02.2023 and 01.07.2023, however, the same have not been considered.

3.Heard the submissions of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1, 2 & 4 and perused the entire materials.

4.Considering the limited relief sought for in this Writ Petition, the 1st respondent shall consider the representations of the petitioner and pass order in the light of the notification, dated 05.07.2021 issued by the Indian Nursing Council, New Delhi, within a period of three months, from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

1. The Principal Secretary to Government,
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N.SATHISH KUMAR, J.

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