



WP(MD)No.20472 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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and

WMP(MD)Nos.16922, 16923 of 2023

Immanuel Arasar International Institute
of Science and Technology Educational and Charitable Trust,
Rep. by its Managing Trustee
Dr.Sam G.Jeba Joselin : Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai – 600 009.

2.The Tamil Nadu Nurses and Midwives Council,
Rep. by its Registrar,
Jeyaprakash Narayanan Maligai,
Santhome High Road, Mylapore,
Chennai – 600 004.

3.The Director of Medical Education,
Kilpauk, Chennai – 600 010.

4.The Tamil Nadu Dr.MGR Medical University,
Rep. by its Registrar,
No.69/40, Anna Salai,
Guindy, Chennai – 600 032.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the fourth respondent University in Lr.Affln.11(4)/27203/2023 dated 11.08.2023, quash the same and further directing the fourth respondent University to give affiliation forthwith to the Immanuel Arasar College of Nursing, Nattalam, Kanyakumari District, from the Academic Year 2023-24.

For Petitioner : Mr.Issac Mohanlal
Senior Counsel
Assisted by
Mr.K.Ragatheesh Kumar
for M/s.Issac Chambers

For Respondents : Mr.P.T.Thiraviam,
Government Advocate for R.1, R.3

Mr.B.Saravanan,
Senior Counsel
Assisted by
Mr.D.Kirubakaran for R.2

Mr.S.Ramesh,
Standing Counsel for R.4



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ORDER

The petitioner Trust is running a Hospital at Marthandam and also running group of Colleges. The Trust, with an aim to provide B.Sc (Nursing) course, has submitted an application before the Government seeking permission on 23.02.2022 and on 11.07.2023. Based on the request of the petitioner Trust, the Government has directed the Director of Medical Education to conduct an inspection on the premises of the petitioner Trust as to the infrastructures required for the proposed Nursing College, as per the norms of the Indian Nursing Council, New Delhi. The Director of Medical Education has submitted his report recommending to grant permission to the petitioner Trust to start four year B.Sc. Nursing Course with 60 seats. Considering this recommendation, the Government, vide G.O.Ms.No.253, Health and Family Welfare Department, dated 25.07.2023, granted No Objection Certificate to the petitioner Trust to start four year B.Sc. Nursing Course at Nattalam with 60 seats from the Academic Year 2023-24, subject to the fulfilment of certain conditions laid down in G.O.Ms.No.219, Health and Family Welfare Department, dated 06.06.2018 and G.O.Ms.No.269, Health and Family Welfare Department, dated 18.07.2020 and also with a condition that the petitioner Trust should obtain recognition / affiliation from the Tamil Nadu



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Nurses and Midwives Council, Chennai and Tamil Nadu Dr.M.G.R. Medical University, Chennai and also from the Indian Nursing Council, New Delhi.

2. Based on this Government Order, the petitioner Trust has made a further request to the Registrar, Tamil Nadu Dr.M.G.R. Medical University, Chennai / fourth respondent for Certificate of Registration (COR) on 26.07.2023. The said application was returned by the fourth respondent that the application has been made for the Academic Year 2023-24 on 26.07.2023, whereas, the cut-off date prescribed by the Tamil Nadu Nurses and Midwives Council, Chennai / second respondent for affiliation for the Academic Year 2023-24 was on 20.07.2023. Since the application of the petitioner Trust is made after the cut-off date, the fourth respondent University directed the petitioner Trust to resubmit the application for the Academic Year 2024-25. Challenging this order of the fourth respondent dated 11.08.2023, the petitioner Trust has filed this writ petition.

3. Learned Senior Counsel appearing for the petitioner Trust has made his submissions as follows:-

3.1. The first respondent, after due inspection and being satisfied with the infrastructural and instructional facilities for starting new Nursing College, has



granted No Objection Certificate for starting the College from the current Academic Year 2023-24 with the annual intake of 60 Students vide G.O.Ms.No. 253, Health and Family Welfare Department, dated 25.07.2023. Therefore, the University ought not to have declined to consider the proposal seeking affiliation from the current Academic Year 2023-24.

3.2. When the first respondent himself has issued the No Objection Certificate after the alleged cut-off date, the University is not supposed to take a stand that the cut-off date is over. Moreover, the cut-off date fixed by the second respondent is only for the purpose of commencing the admission process and there is no statutory bar for the fourth respondent University in considering the application for the affiliation before the closure of admission of Students.

3.3. In every Academic Year, the respondents are extending the admission process upto the month of November. The admission process for the current Academic Year commenced only on 14.08.2023. Last year, the admission was extended upto 07.11.2022. Same was the situation even in the previous Academic Years. Therefore, there is every possibility for extending the last date of admission even for the current year.



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3.4.The College fulfilled all the requirements for running the College from the current Academic Year 2023-24. Only after satisfying with the available infrastructure, the first respondent after due inspection has given No Objection Certificate for starting the College from the current Academic Year 2023-24. Any further delay in starting the College would put the Trust into untold hardship. Since the first respondent, through the third respondent, has already completed the process of inspection, there would be no impediment for the University to consider the proposal seeking affiliation from the current Academic Year.

4.Learned Senior Counsel appearing for the second respondent / Tamil Nadu Nurses and Midwives Council submitted that the process of approval is of four stages. First, the petitioner has to get a No Objection Certificate from the Government for starting the course. Along with the No Objection Certificate, he has to approach the fourth respondent / University for Certificate of Registration. The process of approval / evaluation by the second respondent would be based on the No Objection Certificate of the first respondent and the Certificate of Registration by the fourth respondent. If the petitioner make an application along with the No Objection Certificate and the Certificate of Registration, the second



respondent would conduct the further course of inspection, ascertain the infrastructure available and then only, they can process the application, if it is otherwise eligible.

5.Learned Counsel for the fourth respondent / Tamil Nadu Dr.M.G.R. University submitted that the second respondent / Tamil Nadu Nursing and Midwives Council had fixed 20.07.2023 as the last date for presenting the application for affiliation of new Nursing College for the current Academic Year 2023-24. No doubt, the first respondent has issued No Objection Certificate to the petitioner Trust, however, with a specific condition that the Trust should obtain recognition / affiliation from the respondents 2 & 4. The petitioner Trust has not challenged the conditions imposed by the first respondent and they have submitted an application on 26.07.2023 before the fourth respondent seeking Certificate of Registration. Since the application of the petitioner was made after the expiry of the cut-off date prescribed by the second respondent for the current Academic Year, the fourth respondent has returned the application with a direction to resubmit it for the next Academic Year. The University cannot go beyond the norms and regulations prescribed in the Government Order and therefore, there is no reason to interfere.



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6.This Court considered the rival submissions made on either side.

7.The petitioner, with an intention to start a new Nursing College, has applied for No Objection Certificate from the first respondent on 23.02.2022. Though the application was submitted in the month of February, 2022, it was processed and No Objection Certificate was issued by the first respondent only on 25.07.2023. Immediately, the petitioner has made an application for Certificate of Registration from the fourth respondent University on the very next day on 26.07.2023. It appears that the second respondent / Tamil Nadu Nurses and Midwives Council has prescribed the cut-off date for presenting the application for affiliation of new Nursing Colleges for the Academic Year 2023-24 as 20.07.2023. By referring this cut-off date prescribed by the second respondent, the fourth respondent University has returned the application of this petitioner to resubmit the same for the Academic Year 2024-25.

8.Learned Senior Counsel for the petitioner has made a specific averment in his affidavit that though the cut-off date has been prescribed as 20.07.2023, the admission process for the current Academic Year commenced only on 14.08.2023.



It is also stated that in the last year, the admission process was extended upto the month of November, 2022. This contention of the petitioner has not been disputed by the respondents. If the admission process was extended upto 07.11.2022 in the previous Academic Year and the admission process for the current Academic Year was commenced only on 14.08.2023, it may not be appropriate on the part of the fourth respondent, an independent body, to return the application of this petitioner without processing the same.

9.The fourth respondent has to take a decision on the application of this petitioner for the Certificate of Registration, as per the norms and the process of admission would commence only after the affiliation / recognition, if any, to be provided by the second respondent. The further process by the second respondent is only after the Certificate of Registration by the fourth respondent University.

10.Therefore, this writ petition is disposed of with a direction to the petitioner to resubmit the application within a period of one week from the date of receipt of a copy of this order. The fourth respondent / University shall process the application, on merits and as per their norms and statute, within a period of three weeks from the date of receipt of the application. The process of admission would



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commence only after the recognition / affiliation by the second respondent.

Therefore, without worrying about the admission for the Academic Year 2023-24, let the fourth respondent University process the application of the petitioner, independently. In the event, if the admission time is extended by the respondents, it is open to the petitioner to work out his remedy for admission in the current Academic Year or in the next Academic Year, as the case maybe.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Internet : Yes
Index : Yes / No
NCC : Yes / No
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25.09.2023

To

- 1.The Secretary to the State of Tamil Nadu,
Department of Health and Family Welfare,
Fort St.George, Chennai – 600 009.
- 2.The Registrar,
Tamil Nadu Nurses and Midwives Council,
Jeyaprakash Narayanan Maligai,
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