



WP(MD)No.21431 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.21431 of 2023

Tamil Nadu Nurses Association,
represented by its Secretary,
R.Thilagavathi Jeyaraj,
Government Rajai Hospital,
Madurai. ... Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director of Medical Education and Research,
Directorate of Medical Education and Research,
162, EVR Periyar Salai,
Kilpauk, Chennai.
- 3.The Additional Director of
Medical Education and Research,
Secretary, Selection Committee,
Directorate of Medical Education and Research,
Kilpauk, Chennai - 10.
- 4.The Director of Medical Services and Rural Health/
The President,
The Tamil Nadu Nurses and Midwives Council,
Directorate of Medical Services and Rural Health,
Tenampet, Chennai.



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5.The Registrar,
The Tamil Nadu Dr.MGR.Medical University,
Guindy, Chennai - 600 032.

6.The Registrar,
Tamil Nadu Nurses and Midwives Council,
Jeyaprakash Naraynan Maligai,
Santhome High Road,
Mylapore,
Chennai - 600 004.

7.The Dean,
Office of the Dean,
The Government Rajaji Hospital,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of mandamus, directing the respondent Nos.1 and 2 to conduct counselling for admission including for the newly enhanced 50 B.Sc.,Nursing, 25 M.Sc., Nursing and newly started 50 P.B.B.Sc Nursing Seats in the College of Nursing Madurai Medical College vide G.O. (Ms)No.285, dated 23.08.2023 issued by the first respondent from the current academic year 2023-2024.

For petitioner : Mr.S.Malaikani,
For Respondents : Mr.G.V.Vairam Santhosh
Nos.1 to 4 Additional Government Pleader
For Respondent : Mr.S.Ramesh,
No.5 Standing Counsel
For Respondent : Mr.B.Saravanan,
No.6 Senior Counsel
for D.Kirubakaran



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ORDER

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The Tamil Nadu Nurses Association represented by its Secretary, Government Rajaji Hospital Madurai has filed this writ petition for a writ of mandamus directing the respondents 1 and 2 to conduct counselling for the admission including for the newly enhanced 50 BSc., and 25 MSc., Nursing seats and newly started 50 P.B.B.Sc., Nursing seats in the Madurai Medical College Madurai for the academic year 2023-2024.

2.The learned Counsel by referring the Government Order in G.O.Ms.No.285, Health and Family Welfare (PME.1) Department dated 23.08.2023 submits that the Madurai Medical College is conducting nursing courses with sanctioned 50 BSc., Nursing seats and 25 MSc., Nursing seats. The Government has taken a policy decision to increase the number of nursing seats in the Madurai Medical College from 50 BSc., to 100 BSc., 25 MSc., to 50 MSc., seats apart from new 50 P.B.B.Sc., nursing seats every year.



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This government order was issued on 23.08.2023.

The admission for BSc., nursing course for the academic year 2023 to 2024 is not yet over and therefore, a direction may be issued to the respondents 1 to 3, to conduct counselling for these enhanced seats as per GO.Ms.No.285, dated 25.08.2023.

3.The learned Senior Counsel appearing for the respondent No.6 submits that this writ petition is not maintainable for the reasons that the Dean, Madurai Medical College is administrating the Nursing College, Madurai, but he has not filed this writ petition. This writ petition is filed by the nurses association as that of a public interest litigation. He further submits that the Government has taken a policy decision to increase the number of the seats in the college. There are certain procedure, which have to be followed and there are several stages before making admission to these 50 seats. According to the learned Senior Counsel, the educational agency namely, the Dean, after the permission granted by the Government ought to have approached the University



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for certificate of registration and if they approach the 6th respondent Council along with certificate of registration issued by the University, then only the nursing Council will conduct inspection to find out there is feasibility to grant recognition for the institution. After the grant of recognition given by the 6th respondent Council, they can approach the University for affiliation with the University and only thereafter they can take part in the counselling.

4.The Counselling for the nursing courses has already commenced and the counselling in respect of the government quota for this academic year is already over and counselling for the private colleges is being conducted and therefore, at this stage there cannot be any mandamus in the writ petition filed by the nursing association.

5.The learned Senior Counsel by referring the orders of the Hon'ble Supreme Court in Mridul Dhar (Minor) and Another Vs Union of India and Others,



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reported in (2005) 2 SCC 65 and Education Promotion Society for India and Another Vs Union of India and others reported in (2019) 7 SCC 38 and Special Leave to Appeal(C) No.10571 of 2022 dated 10.06.2022 and submits that the process of admission in the education institution have to be completed as per the schedule.

6.This Court considered the rival submissions made and perused the materials placed on record.

7.The Government College of Nursing of Madurai Medical College is run by the Government headed by the Dean, Madurai Medical College. The Dean is not before this Court. The Counselling for the nursing courses for this academic year has already commenced and therefore, at this stage, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed with liberty to the petitioner to approach the Dean of the Government Medical College and work out their remedy.



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