



W.P.No.8443 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8443 of 2024
and W.M.P.Nos.9401 and 9402 of 2024

S.Sakthivel

... Petitioner

-Vs-

1. The Secretary,
Indian Nursing Council,
8th Floor, NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I,
New Delhi-110 020.
2. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai-600 009.
3. The Registrar,
Tamil Nadu Nurses And Midwives Council,
No.56, Santhome High Road,
Chennai-600 004.
4. The Director of Public Health And Preventive Medicine,
DMS Complex,
Teynampet,
Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to quash the impugned notification F.No.18-29/14539-INC dated 22.02.2023 issued by the first respondent as



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For Petitioner : Ms.Ramapriya Gopalakrishnan
for Mr.T.Ramkumar

For R2 and R4 : Mr.K.Tippu Sulthan
Government Advocate

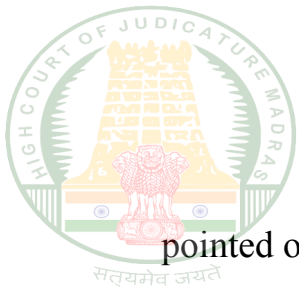
For R3 : Mr.R.Thomas
Standing Counsel

ORDER

This writ petition has been filed challenging the notification in F.No.18-29/14539-INC dated 22.02.2023 issued by the first respondent, thereby rejecting the petitioner's students to be registered only in the State of Tamil Nadu subject to the orders passed by the State Government of Tamil Nadu.

2. Heard and perused the materials available on record.

3. The petitioner institution has been recognized by the Government of Tamil Nadu in G.O.Ms.No.271 Health and Family Welfare (N1) Department dated 06.07.2018 with intake of 60 students for Auxiliary Nurse Midwife Training course. It is affiliated with the examination Board under the control of Director of Public Health and Preventive Medicine, Chennai-6. While being so, the Executive Committee of the first respondent conducted an inspection in the petitioner institution on 10.02.2021 to 12.05.2021. The Inspection report



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pointed out certain deficiencies as follows:-

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“ 1) *Clinical facilities inadequate:-*

(a) Government Hospital is already affiliated to 3 (Three) nursing institutions.

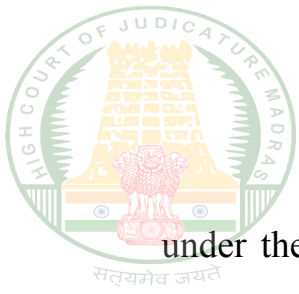
(b) Number of Obstetrics and Gynecology beds inadequate for clinical experience of the students.

(c) 1:3 student patient ratio not available for clinical experience of the students.

2) *Teaching facilities:-*

(a) All teaching faculty and nurses working in the hospital shall be enrolled under Nurses Registration and Tracking System as per the Gazette notification namely Indian Nursing Council (Nurses Registration and Tracking System) Regulations, 2019, dated 7th May, 2019”

4. Though the petitioner submitted a compliance report, it was not satisfactory in nature and as such, the first respondent issued a notice dated 04.05.2022 as contemplated under Section 14(1)(b) of Indian Nursing Council Act, 1947 (herein after called “the Act”) for withdrawal of recognition. It was addressed to the second and third respondents to send remarks as they may deem fit to the petitioner concerned with an intimation to the institution to file its explanation to the State Government within a stipulated time. It was further directed to the second and third respondents that on receipt of any explanation from the petitioner or where no explanation is submitted within the stipulated time, the State Government is requested to make its recommendations to the first respondent within a period of 60 days from the date of issuance of notice dated 04.05.2022, so that necessary action will be taken by the first respondent



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under the provisions of Section 14(3) of the Act. It was duly received by the respondents 2 and 3 as well as the petitioner.

5. However, the petitioner failed to submit any explanation/compliance report. Though the petitioner annexed the explanation in the typed set of papers, it is undated and there is no proof to show that the said letter was sent to the first respondent and the same was received by the first respondent. It is annexed for the purpose of filing this writ petition without any proof. At the same time, the respondents 2 and 3 herein also failed to make any recommendations in respect of the petitioner institution to the first respondent. Therefore, by an order dated 22.02.2023, the first respondent declared that with effect from 08.09.2022, any person holding a recognized qualification of Auxiliary Nurse Midwife course from the petitioner shall be entitled to be registered only in the State of Tamil Nadu subject to the orders of State Government of Tamil Nadu.

6. The learned counsel for the petitioner would submit that non submitting any recommendations by the second and third respondents cannot be turned against the petitioner. In fact, the petitioner also submitted an explanation and the same was not considered by the first respondent. Further, the first respondent has no power to pass such an order to register the students from the petitioner institution only to Tamil Nadu for their registration and for other



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7. The learned standing counsel for the third respondent submitted that granting of recommendation is vested with the second and third respondents and the first respondent has no power to withdraw the recommendation of the petitioner.

8. Further, the learned Government Advocate for the respondents 2 and 4 submitted that the recognition is vested with the respondents 2 and 4 and as such, the first respondent has no power or jurisdiction to pass the impugned order.

9. It is relevant to extract the provisions under Section 14 of the Act as follows:-

“ 14. Withdrawal of recognition. —(1) When upon report by the Executive Committee, it appears to the Council—

(a) that the courses of study and training and the examinations to be gone through in order to obtain a recognised qualification from any authority in any [State] or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under the Act or fall short of the standards required thereby, or

(b) that an institution recognised by a [State] Council for the training of nurses, midwives [auxiliary nurse-



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midwives] or health visitors does not satisfy the requirements of the Council, — the Council may send to the Government of the [State] in which the authority or institution, as the case may be, is situated a statement to such effect and the [State] Government shall forward it, along with such remarks as it may think fit to the authority or institution concerned and, in a case referred to in clause (b) to the [State] Council also, with an intimation of the period within which the authority or institution may submit its explanation to the [State] Government.

(2) On the receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of the period, the [State] Government shall make its recommendations to the Council.

(3) The Council, after such further inquiry, if any, as it may think fit to make, and in a case referred to in clause (b) of sub-section (1), after considering any remarks which the [State] Council may have addressed to it, may declare,—

(a) in a case referred to in clause (a) of that sub-section, that the qualifications granted by the authority concerned shall be recognised qualifications only when granted before a specified date, or

(b) in a case referred to in the said clause (b), that with effect from a date specified in the declaration any person holding a recognised qualification whose period of training and study preparatory to the grant to him of the qualification was passed at the institution concerned shall be entitled to be registered only in the [State] in which the institution is situated.

(4) The Council may declare that any recognised qualification granted outside the [States] shall be a recognised qualification only if granted before a specified date.”

10. The petitioner institution was inspected by the first respondent on



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10.02.2021 to 12.05.2021 and certain deficiencies as stated supra were found.

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On receipt of the inspection report, the first respondent, on 04.05.2022 issued notice for withdrawal of recognition under Section 14(1)(b) of the Act. The provisions under Section 14 permits the first respondent to withdraw the recognition of the petitioner. Therefore, the first respondent had rightly issued the notice dated 04.05.2022 and on receipt of the same, the second and third respondents failed to submit any recommendation to the first respondent. In fact, the petitioner also failed to submit any explanation/compliance report as per the notice dated 04.05.2022. Therefore, the first respondent had rightly passed the order dated 22.02.2023 as contemplated under Section 14(3)(b) of the Act.

11. In view of the above, this Court finds no infirmity or illegality in the notification F.No.18-29/14539-INC dated 22.02.2023 issued by the first respondent and the writ petition is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to submit a compliance report to the first respondent, after rectifying the deficiencies as noticed by the first respondent, within a period of two weeks from the date of receipt of a copy of this order. Simultaneously, the State Council for Nursing is also directed to conduct inspection in the petitioner institution and submit a report to the first



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respondent, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the compliance report from the petitioner as well as the inspection report from the State Council for Nursing, the first respondent is directed to pass order in accordance with law for withdrawal of the order impugned in this petition dated 22.02.2023, within a period of four weeks from the receipt of the reports.

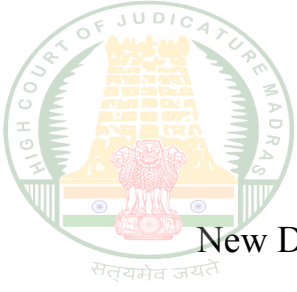
12. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

24.09.2025

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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Plot No.2, Community Centre,
Okhla Phase-I,



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New Delhi-110 020.

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G.K.ILANTHIRAIYAN. J.

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