



W.P.No.38271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.38271 of 2024

S.Shoban Raj

... Petitioner

Vs.

1.University Grants Commission
Represented by its Chairman
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

2.Indian Nursing Council
Represented by its Secretary,
8th Floor, NBCC Center,
Plot No.2, Community Center,
Okhla Phase – I,
New Delhi – 110 020.

3.The Chancellor,
Vinayaka Mission Research Foundation
(Deemed to be University)
New No.213, Old No.160,
Poonamallee High Road,
Kilpauk,
Chennai – 600 010,
Tamil Nadu, India.

4.The Principal,
Vinayaka Mission College of Nursing/ Paramedical Science,
Pondy Cuddalore Main Road,
Kirumampakkam,
Bahour Commune Panchayat,
Puducherry – 607 402.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd and 4th respondent to collect the fees required and permit the petitioner to rejoin in fourth respondent College in III year General Nursing and Midwifery Diploma Program and permit the petitioner to complete the final semester in the fourth respondent College.

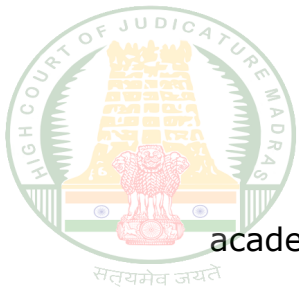
For Petitioner : M/s.Srika Selvam

For Respondents : Mr.B.Rabu Manohar for R1
Mr.B.Deepak Narayanan for R2
Mr.R.Sivaprakash for R3 and R4

ORDER

The writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents 3 and 4 to collect the fees required and permit the petitioner to rejoin in the fourth respondent College in III year General Nursing and Midwifery Diploma Program and permit the petitioner to complete the final semester in the fourth respondent College.

2.The learned counsel appearing for the petitioner would submit that the petitioner joined in the fourth respondent College in a Diploma Program in General Nursing and Midwifery, which is a three years Course. It is the further submission of the petitioner that for the



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academic year 2018 – 2019 and 2019 – 2020, the petitioner has attended the classes and successfully completed all the subjects.

Owing to COVID pandemic, he was not able to pay his tuition fees as the petitioner's Father is a coolie and having annual income of Rs.72,000/- per annum. Therefore, the petitioner finds it difficult to pay the fees of Rs.1,05,000/- towards tuition fees and Rs.19,200/- towards other fees.

3.The learned counsel appearing for the petitioner would further submit that the petitioner also tried to get an educational loan and in this regard, he obtained bonafide certificate from the fourth respondent dated 05.10.2023, but inspite of such effort, he could not succeed in getting the educational loan. Therefore, he could not attend the third year Course. In the meanwhile, the petitioner got assistance from one Vivekanandar Youth Club to support the petitioner's education during 30 September 2024. Thereafter, the petitioner wrote a letter to the fourth respondent to readmit him to continue his education, but till date, the fourth respondent has not responded to the same, which necessitated the petitioner to file this writ petition.

4.This contention was objected by the learned counsel appearing



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for the fourth respondent and he would submit that the petitioner joined the Course during 2018 – 2019 and he continued upto 2019 – 2020 and fairly submitted that he completed all the examination. Though the petitioner has not paid the fees for the second year, due to COVID pandemic, the fourth respondent permitted the petitioner to continue the Course and write the examination. As the petitioner did not pay the third year fees, he was not allowed to continue the Course. It is his further contention that the fourth respondent has no objection to readmit the petitioner in view of the peculiar circumstances, but according to the Indian Nursing Council Rules, the duration period is double the Course period, whereas in the case in hand, the petitioner's double the Course period ends during 2023 – 2024. According to the fourth respondent, as the Course period is already over, they find it difficult to readmit the petitioner.

5.At this juncture, the learned counsel appearing for the second respondent would submit that the petitioner is eligible to have a mercy chance, however, in this regard, only the State Nursing Council will have to take a call upon that based upon the Notification No.7 of 2022 of the Indian Nursing Council dated 28.04.2022. Hence, prayed to dismiss the writ petition.

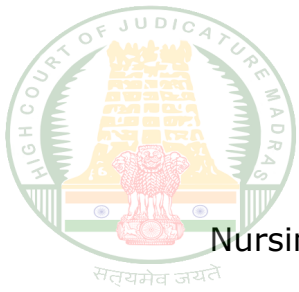


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6.I have given my anxious consideration to either side submissions.

7. There is no serious dispute in respect of the facts put forth in respect of the petitioner. It is admitted fact that the petitioner joined in the fourth respondent College and he completed two academic years 2018 – 2019 and 2019 – 2020 and has successfully completed all the subjects. It is further admitted fact that only because of his financial position, he was not able to continue in the third year, which fact is apparent from the salary certificate of his Father that he is only receiving a sum of Rs.72,000/- as income per annum, whereas, according to the fourth respondent, the tuition fees per annum is Rs.45,000/-. Therefore, the submission of the petitioner that only due to his financial position, he could not continue his education is well justified.

8. Though the learned counsel appearing for the fourth respondent is fair enough to submit that the fourth respondent is ready to admit the petitioner for continuing his third year Course, his only apprehension is that, in future, on completion of the Course, the petitioner would find it difficult to get the registration from the State



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Nursing Council as the Course is beyond the period provided in the Indian Nursing Council Rules. However, as rightly submitted by the the learned counsel appearing for the second respondent, they have provided maximum time period for the candidates who are unable to complete in the prescribed time limit, that is, double the Course period by grant of mercy chance, whereas, Notification No.7 of 2022 dated 28.04.2022 has excluded the students who had discontinued or rejoined the Course. Though such a specific condition has been stipulated in the Indian Nursing Council Rules, probably, it could have been made with its objective to avoid the students to take the Nursing Course very lightly and to have a effective involvement in the course. Whereas, in the case in hand, the petitioner could not continue the Course only because of his financial position, which factum was fairly admitted by the fourth respondent.

9.The learned counsel appearing for the petitioner invited the attention of this Court about the financial assistance given by one Vivekanandar Youth Club vide letter dated 30 September 2024 and only after getting this financial assistance, the petitioner was able write a letter to the fourth respondent College so as to rejoin the Course. Therefore, though according to Indian Nursing Council Rules provide



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six years period as a mercy chance for those who could not complete the Course within a period of three years with a rider keeping the students who discontinue, as I am of the view that this petitioner could not be considered under the discontinued category as his study deferred due to his poverty which need lenient consideration, while interfering rules.

10.In view of the above peculiar circumstances, the second respondent is directed to address a letter to the State Nursing Council so as to conduct a special exam for the petitioner as provided under Notification No.7 of 2022 dated 28.04.2022, as a special case and in the event of the petitioner succeeding in the said test, then the fourth respondent is directed to admit the petitioner on payment of fees.

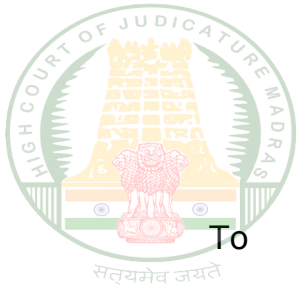
11.With the above directions, the writ petition is disposed of. No costs.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

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C.KUMARAPPAN,J.
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