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WP No. 16045 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-11-2025

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

WP No. 16045 of 2025

Sri Nandhanam Educational And Social Welfare
Trust

Rep By Its Chairman

P M N Mohan Krishna

Molagarampatti, Tirupattur District 635 601.

..Petitioner(s)

Vs

1. The Government Of Tamilnadu
Dept Of Health And Family Welfare
Rep By The Secretary to Govt
The Secretariat, Namakkal Kavingar Maligai,
Fort St George, Chennai 09

2. The Registrar
Tamilnadu Nurses And Midwives Council,
Jayaprakash Nayaranana Maligai
Old No. 140 New No. 56
Santhome High Road, Chennai 600 004.

3. Directorate Of Medical Education
No. 162 EVR Priyar Salai, Kilpauk,
Chennai 10

..Respondent(s)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of the file of the 3rd respondent in proceedings No.L.Dis.No.67471/NE1/2023 DATED 18.12.2024, QUASH the same and consequently direct the 1st respondent to issue no objection certificate for commencing B.Sc., Nursing Course (100 seats) and DGNM course (60 seats) to Nandanam Health Sciences College established by the petitioner.

For Petitioner(s): Mani Sundargopal

For Respondent(s): Mr.K.Tippusultan
Government Advocate for R1 and R3
Mr.A.R.Nixon for R2

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 18.12.2024 and for a consequential direction to the 1st respondent to issue No Objection Certificate to the petitioner to enable the petitioner to commence B.Sc., Nursing course (100 seats) and DGNM course (60 seats).



2. This writ petition was heard by this Court on 30.4.2025 and the following order came to be passed by this Court:

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This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records on the file of the 3rd respondent in Proceedings No.L.Dis.No.67471/NE1/2023 dated 18.12.2024 and to quash the same and consequently direct the first respondent to issue No Objection Certificate for commencing B.Sc., Nursing Course (100 seats) and DGNM Course (60 seats) to Nandhanam Health Sciences College, established by the petitioner.

2. The petitioner trust, submitted an application in September 2017, for grant of No Objection Certificate (NOC) to start new Nursing program viz., B.Sc., (Nursing) to the first respondent by remitting the prescribed fee and in the prescribed application format. The petitioner also made an application to the 2nd and 3rd respondents for grant of approval and Certificate of Registration/Affiliation by the Tamil Nadu Dr.MGR Medical University, along with the processing fee, inspection fee and cost of application. The third respondent informed the petitioner that the application submitted by them in September 2017 for the

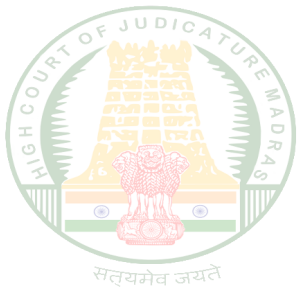


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academic year 2018-19 was closed as lapsed. The petitioner was directed to file fresh application and the petitioner also filed the fresh application, on 27.02.2022. The respondents in pursuance of the petitioner's application formed an inspection team and the inspection team submitted its report on 23.11.2024. Pursuant to the inspection report, vide impugned order dated 18.12.2024 the 3rd respondent rejected the petitioner's application. Aggrieved by the impugned order the petitioner filed the present writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the 3rd respondent should be directed to conduct a fresh inspection as the petitioner had complied with the earlier defects pointed out by the inspection team. In view of the said submission of the learned Senior Counsel, the 3rd respondent is directed to form a fresh committee and inspect the petitioner Trust to find out if the defects pointed out in the earlier inspection report were complied.

4. Mrs.M.Sneha, learned Special Counsel takes notice for R1 and R3. Notice to the 2nd respondent, returnable by 05.06.2025. Private notice is also permitted.



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5. Post on 05.06.2025. Counter to be filed by then.

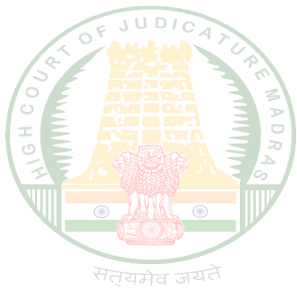
3. Pursuant to the above order, an inspection was conducted by the specially constituted Committee and a report was also placed before this Court and on considering the same, this Court passed the following order on 05.11.2025:

Pursuant to the earlier order passed by this Court on 30.04.2025, an inspection was conducted by the specially constituted committee and the report has been placed before this Court.

2. For proper appreciation, the report is extracted hereunder:

"As per the communication received from Ref No:67471/NE1/2023, DME, CH-10, Dated 19/06/2025.

Herewith submitting the mandatory requirements are as per the norms prescribed by Indian Nursing



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Council, New Delhi, and Government of Tamil Nadu.

1. Academic Building:

a. Principal/Vice principal Room in a same room with 300 Sq Ft without rest room facility.

b. Classrooms are not equipped with LCD projector with screen is not available.

c. One room for 5 HOD's is not available.

d. Nutrition lab is functioning in entirely separate building nearby entrance.

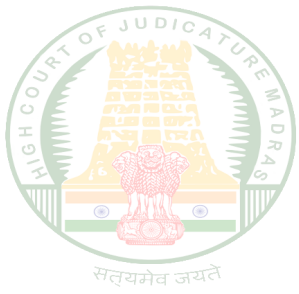
e. Provision of toilets only in the Ground floor and in Fourth floor under construction.

f. Multipurpose hall - in Ground floor

g. Library in - First floor.

There is no unitary building available for Nursing, which is functioning in Nandhanam Health Sciences building only.

2. Parent Hospital -



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a. As per Indian Nursing Council, New Delhi norms, 300 bedded parent hospital is required to start B.Sc(N) Course with 100 seats and DGNM 60 Students, which is not available at present.

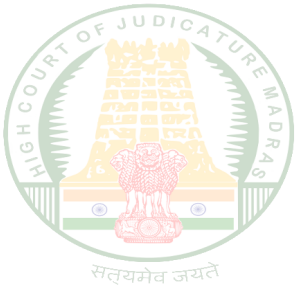
b. The Headquarters hospital, Thirupatthur has given feasibility report as per Ref No:001/A/2023, JDHS, Dt:06/06/2023.

c. Writ Petition - W.P.No.13586 of 2024 filed by Nandhanam Educational and Social Welfare Trust, Thirupathur - is not feasible.

d. In the resolution 01/2025 - Dated 07/02/2025 - Agenda - 2- Commencement of 400 bedded hospital with additional investments.

3. Library Books -

a. As per the norms prescribed by Indian Nursing Council, New Delhi, and Government of Tamil Nadu, the institution should have 3000 + 1000 books for both B.Sc.(N) Course with 100 seats and DGNM 60 programmes, in which the institution has only 1691 books among which few books only related with



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Nursing and Indian and International Journals not available - Not yet subscribed.

4. Hostel building

a. Entirely a separate building which is outside of the campus available with minimal amenities.

b. No separate warden room, sick room, recreation room, visitor hall, and reading room.

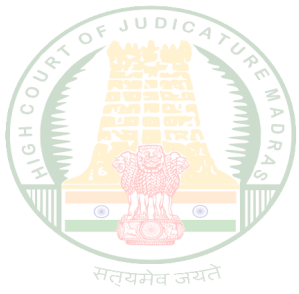
c. The food is not available within the hostel; students have to come to the academic building for each time for food intake.

5. Vehicle

a. The vehicles allotted for Nandhanam College of Nursing - in the name of Nandhanam Engineering College - and One bus is hired from outside.

b. Each vehicle RC, FC, Insurance copy, driver License, appointment order and joining report is not enclosed.

6. Scrutinizing fee - Copy is not submitted.



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7. Academic/Hostel Block - A3 size copy of Blue

Print not produced at the time of inspection."

3. It is clear from the above that lot of deficiencies have been identified at the time of inspection.

4. Learned counsel for petitioner shall take instructions.

Post this writ petition on 12.11.2025.

4.A counter affidavit was also filed by respondents 1 and 3 reiterating the report submitted by the specially constituted Committee and they also took a stand that since the petitioner does not fulfil the requirements as per the Indian Nursing Council Guidelines, Approval/No Objection Certificate cannot be granted to the petitioner to commence the B.Sc., (Nursing) Course.

5.The 2nd respondent has also filed a counter affidavit. The 2nd respondent has taken a stand that for the purpose of offering the B.Sc., (Nursing) Programme, the petitioner is required to comply with certain statutory



requirements and only on fulfilling those statutory requirements, the 2nd

respondent will come into the picture. For proper appreciation, the relevant

paragraphs in the counter affidavit is extracted hereunder:

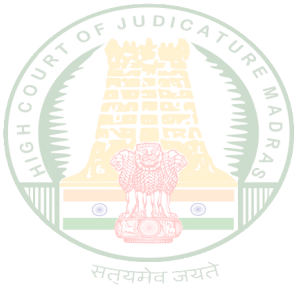
4. In this Juncture, it is humbly submitted that the institution is lacking the minimal mandatory requirements to start a Nursing College as per Indian Nursing Council and GO. (M.s) No: 219, Health & Family Welfare department, dt: 06.06.2018 such as,

1. Own/Parent 100 bedded hospital is mandatory for 60 seats of B.Sc(N) and 300 bedded hospital for 100 seats of B.Sc(N) and 60 seats of Diploma In General Nursing Midwifery which is vital for the Nursing student to get relevant and adequate training.

2. Huge deficiency in Academic block such as Classrooms are not equipped with LCD projector, Minimal provision of toilets, No separate rooms for HODs

3. Deficiency in Hostel block such as No separate warden room, sick room, recreation room, visitor hall, reading room and Dining hall.

4. Not adequate transport facility for students for obtain field and clinical training.



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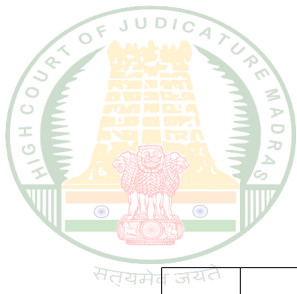


5. Library books - Not sufficient and relevant books available to enrich the student's knowledge

5.Hence it is submitted that, the petitioner is desperately lacking mandatory requisites to start a Nursing institution and repeatedly requesting for the No Objection certificate to start the Nursing institution through Writ petitions and RTI

6.The Mandatory requirements have been communicated to the institution several times, still the Petitioner finds it difficult to comply the requisites, but keeps on writing letters and petitions in a threatening manner.

6.The petitioner has filed a Rejoinder for the counter affidavit filed by the 1st and 3rd respondents. For the defects that have been pointed out in the report submitted by specially constituted Committee, the petitioner has given his explanation/remarks and the same has been tabulated in the Rejoinder and for proper appreciation, the same is extracted hereunder:

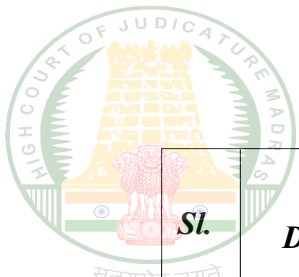


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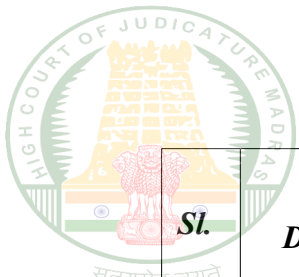
<i>Sl. No.</i>	<i>Defects pointed out first inspection order</i>	<i>Compliance report submitted</i>	<i>Defects pointed out in inspection conducted after court order</i>	<i>Remarks</i>
1.	ACADEMIC BUILDING			
(A)	As per the Indian Nursing Council norms (23200 sq.ft) of built up area, Please refer INC Gazette Notification Dated 12.03.2021 & 05.07.2021) 05.07.2021),	Please refer to the map and other details submitted along with the application. Exactly required built-up area in SFT had been allotted in accordance to perfect compliance to norms. Infact, almost equal amounts of additional built-up area remains available in the same building for future usage.	No queries	Nil
(B)	Unitary academic building should be provided for	Such onerous conditions not yet envisaged as	As per Counter para 3(a)(h)- No	The available building comprises



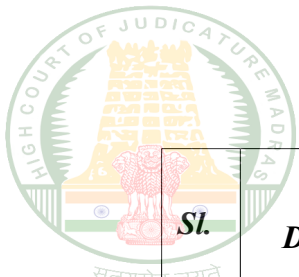
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	nursing Programmes, Whereas, the management shared the academic building with the block allotted for Pharmacy course.	norms. Gazette Notifications cited have not prescribed any such requirements. Further, Notification dated 12.03.2021, being Indian Nursing Council	Unitary Building available for nursing.	ground plus three floors in the shape if Tamil Letter "pa" out of which, the 2nd and 3rd floors admeasuring about 28,064 Sq.Ft. has been allotted to Nursing Course. Under 18 (IV) of Guidelines "If the trust has some other educational programs, the nursing program shall be in separate block/floor with prescribed Sq.ft/area".
		(Minimum prerequisites for granting suitability to Nursing		



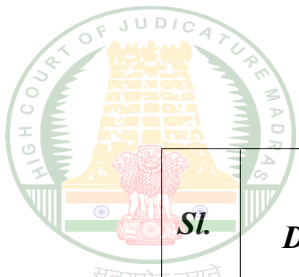
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		Programs) Regulations, 2020, allows the same. Please refer to Section "18(iv) If the Trust has some other educational programs, the nursing program shall be in separate block/floor with prescribed sq.ft. area." College has provided separate blocks for nursing education on the second and third floors completely.		



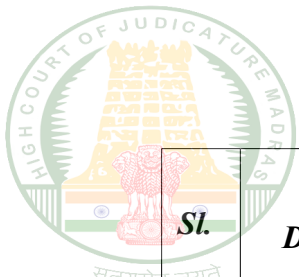
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	No queries	Nil	As per Counter para 3(a)(a)- Principal / Vice Principal Room in a same room with 300 Sq. Ft without rest room facility. As per Counter para 3 (a)(b)- Classrooms are not equipped with LCD Projector screens. As per Counter para 3 (a)(c)-One room for 5 HOD's is not available.	(a)Wrongly noted. Separate rooms are available. Photographs produce as proof. b) No such norms in the Indian Nursing council. c) Vice-principal is also HOD. He is given separate room and further 2 other separate rooms given for 2 other HOD. Thus totally 3 HOD Rooms are available during reinspection. Additionally, 2 more cabins now provided



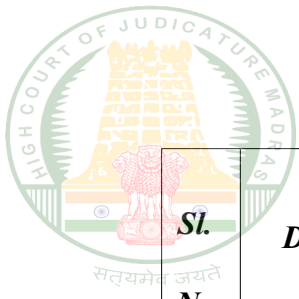
Sl. No.	Defects pointed out first inspection order	Compliance report submitted	Defects pointed out in inspection conducted after court order	Remarks
			As per Counter para 3(a)(d)- Nutrition lab is functioning in an entirely separate building nearby the entrance. As per Counter para 3 (a)(e)- Provision of toilets only in Ground floor and Fourth floor under construction	regardless of its utilisation during year 4 alone. d) Nutrition lab is available in an Extend of 1506 Sq Ft separately from the Academic building. No Bar in the guidelines to have the nutrition lab separately. The Building consists of Ground Plus 3 floors. As per Norms provision for toilet is to be made for 1000Sq Ft. In Ground floor



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				Toilet is available for both male and female separately in an extent of of 550 Sq.ft.each. In first floor Toilet is available for both gender for both male and female separately in an extent of of 550 Sq.ft.each. In the Third-Floor toilet construction has been finished. Apart from the above, another 2200 sq,ft of additional toilet facility over and above the norms is available in the



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			Ground floor with separate changing rooms. Therefore requirement is sufficiently complied with. As per Counter para 3 (a)(f)- Multipurpose Hall -in Ground Floor As per Counter para 3 (a)(g)- Library in - First Floor .	f) and g) Availability confirmed by inspection Report. There is no stipulation that multipurpose hall and library should not be available separately.
2.	SOLVENCY		No Queries	Nil
	Solvency Certificate issued by the Tahsildhar for RS.1,13,70,000/-on 15.11.2017 is expired.	It had been submitted when the same had been valid. You have kept pending for too long without		



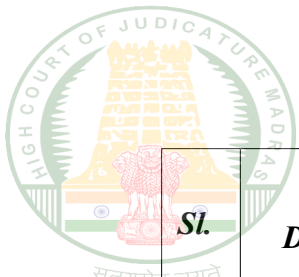
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		processing thus it has expired. Expiration of validity while under your possession does not amount to non submission of the same. The same property described in Solvency Certificate viz., College Building Encumbrance Certificate remains attached herewith to show the property continues to remain in the name of college only. It is noteworthy that solvency renewal is not insisted every year for any of the colleges as per		



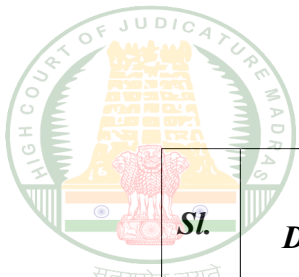
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3. PARENT HOSPITAL	As per Indian nursing Council norms 300 beded parent hospital for B.Sc (N) -100 seats and 100 beded parent hospital for Diploma in General Midwifery course -60 seats is mandatory in order to maintain student patient raion1:3. Whereas, the	norms for continuation of approval. It is an entry criteria alone as proof of worthiness. Thus, your norms of minimum solvency amount remain complied in accordance to your published norms. Thus, no non compliance has arisen due to expiry of solvency certificate.	As per Counter para 3 (b)(a)- As per Indian Nursing Council, New Delhi norms, 300 Bedded parent is requiredto start	By Lt. dt 06.06.2023 J.D. Medical & RHS Wrote to Director (M&RHS) stating it is feasible to impart



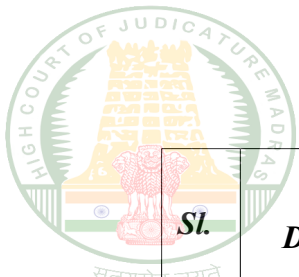
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	management has shown tie-up arrangement made with Govt.Hospital, Tirupattur for Pharmacy programme cannot be considered for nursing program. Moreover, the Government tie-up order is an arrangement for self-financing institution to avail clinical exposure to the students in the absence of specialty and patient flow in the parent hospital.	from campus in accordance to norms of Indian Nursing Council. Joint Director of Medical Services, Tirupattur, being the Officer Incharge of the Hospital, has inspected in as per Orders, identified tie-up for clinical practice as feasible for both the nursing course as per the sought strength and has forwarded recommendation of issuance of Clinical Practice tie-up to Director of Medical and Rural Health Services,	B. Sc (N) Course with 100 seats and DGNM 60 students, which is not available at present. As per Counter para 3 (b)(b)- The headquarters hospital, Thirupattur hasgiven feasibility reportas per Ref. No: 001/A/2023, JDMS, Dt: 06/06/2023. As per Counter para 3 (b)(c)- Writ Petition - W.P No 13586 of 2024 filed by Nandhanam Educational and social Welfare Trust, Thirupattur is not	Clinical training to students admitted in B. Sc Nursing Course in Petitioner College. By communication dt. 19.07.2024 Director (Medical & RHS) informed Petitioner without NOC from Government, approval from Nursing Council affiliation from The TN Dr MGR Medical University has to be obtained to give Tie-Up arrangement. It is submitted that petitioner's application was



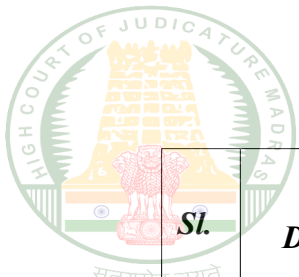
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		Chennai. The same remains attached herewith in copy. Further, the Director of Medical Services has communicated to offer the clinical practice tie-up facility arrangement with aforesaid hospital to students of college, including for both the nursing courses, on receipt of NOC and Affiliation Orders from you (Copy attached). Please note that over 90 nos of nursing colleges have same clinical practice	feasible. As per Counter para 3 (b)(d)- As per Counter para 3 (b)(d)- In the resolution 01/2025-Dated 07/02/2025 -Agenda 2 Commencement of 400 Bedded hospital with additional investments.	made in 2017 much prior to the INC regulations 2021. Therefore, the same does not apply consider the petitioner's to application of the year 2017.



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4	LIBRARY BOOKS As per the Indian Nursing Council norms, the institution should have 3000+1000 books for both B.Sc(N) & GNM programmes, whereas the institution has only 1567 books that are very old edition as per the inspection team report.	tie-up arrangement facility as proposed by us and had been recognised by you. Specific requirements of books not specified course wise in both the Gazettes cited by you. 3000 nos books insisted by you for B.Sc., Nursing Course as applicable for College of Nursing includes 1000 nos as applicable for School of Nursing for offering Diploma GNM course.	A As per Counter para 3 (c)(a)-As per the norms prescribed by Indian Nursing Council, New Delhi, and Government of Tamilnadu, the institution should have 3000 + 1000 books for both B. Sc (N) Course with 100 Seats and DGNM 60 Programmes, in which the institution has only 1691 books among which	3000 + 1000 No of Books not prescribed by Nursing Council in the Guidelines Published in their Website. Petitioner Library Contain 1691 Books. After reinspection, additional 390 nos books purchased additionally. online DELNET Library Network has been Subscribed in which Students



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		This requirement is for the full 4 years duration of the course. While so, finding of the inspection committee as 1500 nos books for the first year of the courses is more than compliant to norms. Editions are released over a decade or more time period, not year wise for deeming them as old edition.	few books only related with Nursing and Indian and International journals not available - Not yet subscribed.	can have access to 50 Nursing subject Journals and 30 Ancillary Nursing Petitioner Subjects. Additionally College Subscribed to 12 Physical Journals from 21-08-2025.
5	AUDIO VIDEO AIDS			
	As per the inspection team report, the invoices produced by the Management is not relevant to the AV AIDS.	AV Aids room has been N provided separately and AV aids are available in	NO Queries	Nil



Sl. No.	Defects pointed out first inspection order	Compliance report submitted	Defects pointed out in inspection conducted after court order	Remarks
6	HOSTEL BUILDING As per the Indian Nursing Council norms 21100 s as per Indian Nursing Council	abundance in multiple locations. Bills could have been old but the availability of equipment as per norms remains confirmed by the inspection team. Thus, this detail regardless of being trivial has been remain confirmed as complied. Present modern days, all classrooms remain to be equipped with AV Aids facility for Audio and Video projections. i) Separate Hostel Building located within	(A) Entirely a separate building which is outside	Girls Hostel with an extent of 48000 Sq.ft. of



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	Guidelines 17500 sq.ft built up area for GNM students is required. whereas, the institution has no separate hostel for girls as per the inspection team report.	campus is Girls Hostel. As you had been taking years for processing these course approval applications, few rooms on the ground floor alone were used for boys accommodation. (ii) Separate large hostel facility is available for boys inside Tirupattur town. The building is approx 50,000 SFT of built-up area as against your combined total requirement stated as 21100 SFT. (iii) I invite your attention to Section 19 of the	of the campus available with minimal amenities. (B) No separate warden room, Sick room, Recreation Room, Visitor hall and reading room. (C) The food is not available within the hostel; students have to come to the academic building for each time for food intake.	building comprising ground plus three floors is available opposite to the Academic campus.. Girls Hostel forms part of the Campus of the Trust. There are no such norms prohibiting separate hostel. A Warden Room measuring 506.5 Sq.ft is available (@pg.140, pet.T.S) A Recreation Room measuring 535.2 Sq.Ft is available. (@pg.140, pet.T.S) A visitor Room measuring 502.6



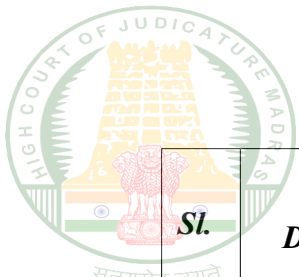
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		act with regard to Hostel requirements: "Stay of Students in Hostel {applicable to ANM/GNM/B.S c. (Nursing)/P.B.B. Sc. (Nursing)/M.Sc. (Nursing) and NPCC} Minimum provision of hostel accommodation for 30% of the total students' intake is compulsory for the institution and accordingly the staff for hostel shall be provided as prescribed in the syllabi."		sq.ft. is available. (@pg.139, pet.T.S) Reading Room measuring 301.8 Sq.ft Available (@Pg.139 pet.T.S.) . A separate dining area is available within the hostel premises where dinner is served. That apart, separate dining hall/mess measuring 16000 sq.ft is available in academic block, where break-fast, lunch, evening meal and dinner are provided. During the day the hostel is



<i>Sl. No.</i>	<i>Defects pointed out first inspection order</i>	<i>Compliance report submitted</i>	<i>Defects pointed out in inspection conducted after court order</i>	<i>Remarks</i>
7	VEHICLES			
	The vehicles allotted for nursing programmes is in the name of College of Engineering, dedicated vehicle for nursing programme should be allotted. (50 seated x 2 and 60 seated x1)	(i) Bus remaining in the name of Engineering college in the same unitary campus also established and maintained by the same trust.	(A)The vehicle allotted for Nandhanam College of Nursing in the name of Nandhanam Engineering College and one bus is hired from outside.	closed since the students will be in Academic Block. No such norms prohibiting separate hostel Trust was also running Nandhanam engineering college. Due to lack of admission of student, Buses Purchase for Engineering college is now sought to be used for Nursing College.
		(ii) Trust had allotted three buses presently despite 1st year and will allot more buses as per requirements.	(B) Each vehicle RC, FC, Insurance Copy, Driver License, Appointment order and joining report is not enclosed	The details of the buses provided to the Nursing course are as follows 1.TN23BZ1481



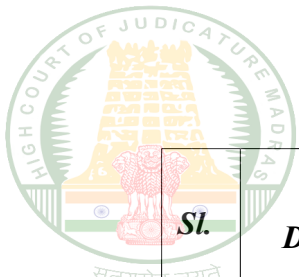
8	BUILDING PLAN(ACADEMIC/HOST EL BLOCK)
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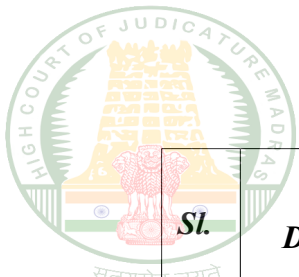
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9	TEACHING FACULTY authority.	Please refer to the documents in the file. Copy of the proceedings of the approval authority also submitted previously. twice Attached herewith once again.		apart re-sized plans were also sent through vide Registered Post Receipt Nos: CT528706021IN CT528705865IN , and both dated 23.06.2025, on 23.06.2025 even prior to the date of Re-Inspection. One more copy was re-submitted to DME vide Registered Post Receipt Nos: RT494811575IN Dated: 21.08.2025 subsequent to their communication dated 08.08.2025.



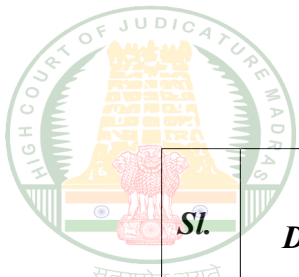
Sl. No.	Defects pointed out first inspection order	Compliance report submitted	Defects pointed out in inspection conducted after court order	Remarks																																
	As per the Indian Nursing Council for B.Sc (N) with 100 seats and DGNM with 60 seats the requirement of teaching faculty are as follows: <table> <tr> <th>Sl.No</th> <th>Name of the Posts</th> <th>For B.Sc., with 100 Seats</th> <th>For DGNM with 60 seats</th> </tr> <tr> <td>1</td> <td>Principal</td> <td>1</td> <td></td> </tr> <tr> <td>2</td> <td>Vice-Principal</td> <td>1</td> <td></td> </tr> <tr> <td>3</td> <td>Professor</td> <td>1-2</td> <td>0</td> </tr> <tr> <td>4</td> <td>Associate Professor</td> <td>2-4</td> <td>0</td> </tr> <tr> <td>5</td> <td>Associate Professor</td> <td>3-8</td> <td>0</td> </tr> <tr> <td>6</td> <td>Tutors</td> <td>16-24</td> <td>18</td> </tr> <tr> <td>Total</td> <td></td> <td>24-40</td> <td>18</td> </tr> </table> Whereas, the institution has shown only 1 professor out of 2, Associate Professor and Assistant Professors not shown out of 15 teaching	Sl.No	Name of the Posts	For B.Sc., with 100 Seats	For DGNM with 60 seats	1	Principal	1		2	Vice-Principal	1		3	Professor	1-2	0	4	Associate Professor	2-4	0	5	Associate Professor	3-8	0	6	Tutors	16-24	18	Total		24-40	18	Specified staff strength in act is for all four years of the course which had been misapplied for the first year of the course. Staffs need to be recruited gradually over the years as the courses progress. Also, as per regulations, Associate Professors required for as per the credit rating of the subject which are from 2nd year onwards only. Present consideration is for 1st year alone.	No Queries	Nil
Sl.No	Name of the Posts	For B.Sc., with 100 Seats	For DGNM with 60 seats																																	
1	Principal	1																																		
2	Vice-Principal	1																																		
3	Professor	1-2	0																																	
4	Associate Professor	2-4	0																																	
5	Associate Professor	3-8	0																																	
6	Tutors	16-24	18																																	
Total		24-40	18																																	



Sl. No.	Defects pointed out first inspection order	Compliance report submitted	Defects pointed out in inspection conducted after court order	Remarks
	faculty shown in that 6 teaching faculty are not eligible since they completed in Karnataka and not registered in Tamil Nadu Nurse Midwives Council.	As per INC norms, staff student ratio is 1:10. For a first year intake of both courses combinedly, student strength is 160 nos as applied. Thus, as per ratio, staff strength of 16 nos required. You have confirmed 1 Professor, 1 Associate Professor and 15 Faculty are available as per inspection committee report. Thus norms have been complied. Karnataka State		



Sl. No.	Defects pointed out first inspection order	Compliance report submitted	Defects pointed out in inspection conducted after court order	Remarks
		Nursing Council recognised, Indian Nursing Council approved Nurses 6 members (they are also part of India. College is located on the tri-state border). On receipt of NoC for both B.Sc., Nursing, NoC and Affiliation for GNM Courses from your office, before commencement of course, six staff members registered from Tamil Nadu Nursing Council itself will be recruited as intimated by you.		



Sl. No.	Defects pointed out first inspection order	Compliance report submitted	Defects pointed out in inspection conducted after court order	Remarks
10			Scrutinizing Fee receipt not produced.	This is not a Defect pointed out by the committee.

7.The learned counsel for the petitioner submitted that insofar as all the defects that were pointed out by the specially constituted Committee, except the defect of not having a parent hospital, the petitioner has provided the explanation for all the other defects. The petitioner has taken a very clear stand for all the other defects that either those defects pointed out are not factually incorrect or the so-called defects that have been pointed out is not the one which is required under the relevant Regulations. Even otherwise, certain defects which were not even pointed out in the first inspection order, has been pointed out in the subsequent report submitted by the specially constituted Committee.



The learned counsel submitted that all those defects have been dealt with individually and explained in the tabular column extracted *supra*.

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8. Insofar as the defect touching upon the parent hospital, the learned counsel for the petitioner made the following submissions:

a) The petitioner submitted the application in the year 2017 much prior to the new Regulations that came into force in the year 2021. As per the then existing Regulations, Clause-xviii dealt with the same and according to the petitioner, the petitioner has a tie up with the Head Quarters Hospital, Thirupattur and the said hospital fulfils the requirements provided under the said Clause.

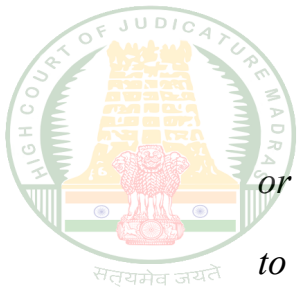
b) When the application submitted by the petitioner is considered, Regulations which came into force subsequently in the year 2021, cannot be put



against the petitioner and such Regulations cannot be given a retrospective effect.

c)On a demurrer, it is submitted that even if the 2021 Regulation is put against the petitioner, such Regulation goes beyond the power and jurisdiction provided under Section 16(g) of the Indian Nursing Council Act, 1947. The learned counsel submitted that if the Regulations goes beyond the power provided in the Parent Act, this Court can deal with the legality of such Regulation even though it has not been formally questioned by the petitioner. To substantiate this submission, the learned counsel for the petitioner relied upon the order passed by this Court in W.P.(MD)No.13527 of 2024, dated 02.07.2024, and the learned counsel relied upon the following paragraphs:

6.As regards the contention that there is no challenge to the nursing regulations, the answer is found in the decision of the Hon-ble Supreme Court reported in (2001) 8 SCC 676 (Bharathidasan University & Another Vs All-India Council for Technical Education & Others). It was held therein that if a rule

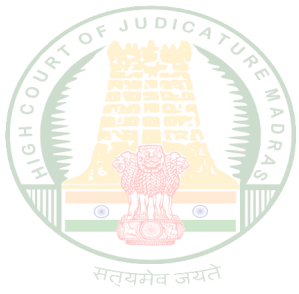


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or regulation is shown to be ultra vires or illegal, there is no need to specifically challenge the same. The writ Court can proceed in the matter as if such a rule or regulation is non-existent. I had followed the said decision vide order dated 29.11.2023 made in WP(MD)No.26209 of 2023 (Joy University Vs The Indian Nursing Council & Others). I shall therefore examine the legality of the regulation that comes in the way even though it has not been formally questioned.

7.The petitioner is a religious minority institution. Article 30 of the Constitution of India states that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. The question that calls for consideration is whether this fundamental right can be curtailed by the regulations framed under Section 16(1) of the Indian Nursing Council Act, 1947. Clause 6(iii) of Indian Nursing Council (Minimum Pre-Requisites for Granting Suitability to Nursing Programs) Regulations, 2020 is as follows :

“As per law Trust/Society can open number of institutions, but it will be considered as one institution under the ambit of one Trust. It is



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therefore, a Trust can open only one nursing institution in one city/town.”

The above regulation being a piece of subordinate legislation can be questioned on the ground that it is manifestly arbitrary. The Hon-ble Supreme Court held that manifest arbitrariness is something that is capricious, irrational and/or without adequate determining principle (Shayara Bano v. UOI [(2017) 9 SCC 1]. A provision can be struck down as manifestly arbitrary if the determining principle of it is not in consonance with constitutional values and if it lacks logical consistency [(2024) 5 SCC 1 Electoral bonds case]. Let me apply the aforesaid principle to the instant regulation. Even as per the Nursing Council regulations, there can be more than one nursing College in a city or town run by different institutions. If that be so, there is no justification or rationale in holding that one Trust cannot run more than one nursing College under it. I fail to understand the logic or reasonableness behind the incorporation of such regulation. Since Clause 6(iii) of the aforesaid regulations on the face of it falls foul of Article 30 and also there is no logic behind it, I hold that the impugned order based on it is illegal and liable to be quashed.



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8. There is also considerable force in the contention of the learned Senior Counsel for the petitioner that it may not be open to the Nursing Council to stipulate such restrictive condition for establishing Nursing Colleges. The statutory scheme underlying the Indian Nursing Council Act is that the Nursing Council can prescribe standards for examination and curricula and eligibility for admission of students. The Hon-ble Supreme Court in *Karnataka State Association of the Management of Nursing and Allied Health Science Institution and ors v. Indian Nursing Council and ors* in Civil Appeal Nos.12759~12761 of 2017 dated 11.09.2017, held that the Indian Nursing Council has no power to grant recognition to the institutions imparting nursing courses. This was followed by a learned Judge of this Court in *R.Usha Rani v. The Secretary to the Government of India* (WP No.7857 of 2019 dated 11.04.2022). When the Council lacks the jurisdiction to grant recognition, the corollary is that it cannot prescribe conditions that have a bearing on establishment of nursing colleges. The regulation thus travels beyond the scope of the parent statute. The impugned communication is bad on this ground also.



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9. In the light of the above submissions, the learned counsel for the petitioner contended that the petitioner has fulfilled all the requirements and hence, the 1st respondent must be directed to issue No Objection Certificate to the petitioner to commence the course.

10. The learned Government Advocate appearing on behalf of respondents 1 and 3 sought for some time to make his submissions.

11. Post this case on 21.11.2025 under the caption 'Part Heard Cases'.

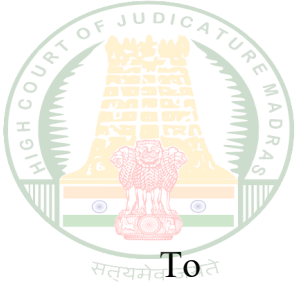
20-11-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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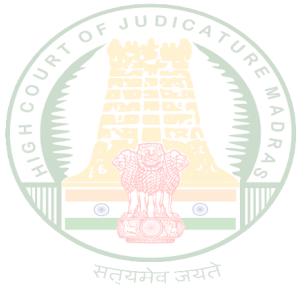


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To
1.The Government Of Tamilnadu
Dept Of Health And Family Welfare
Rep By The Secretary to Govt
The Secretariat, Namakkal Kavingar Maligai,
Fort St George, Chennai 09

2.The Registrar
Tamilnadu Nurses And Midwives Council,
Jayaprakash Nayaranana Maligai
Old No. 140 New No. 56
Santhome High Road, Chennai 600 004.

3.Directorate Of Medical Education
No. 162 EVR Priyar Salai, Kilpauk,
Chennai 10



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WP No. 16045 of 2



N.ANAND VENKATESH, J.

SSR

WP No. 16045 of 2025

20-11-2025