



Writ Petition No.16045 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.16045 of 2025

Sri Nandhanam Educational and
Social Welfare Trust,
represented by its Chairman,
P.M.N.Mohan Krishnaa,
Molagarampatti,
Tirupattur District – 635 601.

... Petitioner

Vs.

The Government of Tamil Nadu,
Department of Health and Family Welfare,
represented by the Secretary to Government,
The Secretariat,
‘Nammakkal Kavingar Maligai’,
Fort St.George, Chennai – 09.
and 2 others

... Respondents

For Petitioner : Mr.Mani Sundargopal

For Respondents : Mrs.M.Sneha

Special Counsel [R1 & R3]

Mr.A.R.Nixon [R2]



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ORDER

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Pursuant to the earlier order passed by this Court on 20.11.2025,
the matter was listed for hearing today.

2. Learned Special Counsel appearing on behalf of respondents 1 and 3 submitted that the Indian Nursing Council had issued Nursing Educational Standards through a resolution dated 29.10.2014 and learned counsel specifically relied upon Clause 17, which is extracted hereunder:

“17. To start a Nursing Programme from 2013-2014

- Institute shall have 100 bedded parent hospital for opening new GNM/B.Sc.(N) programme. However, this will not affect the institutions which have been established without parent hospital.
- For GNM/B.Sc. 100 bedded parent/own hospital will be exempted for the hilly areas in the states namely; Jammu and Kashmir, Uttaranchal, Himachal Pradesh and North Eastern States and scheduled tribal areas.
- Institutions under state government and central government wants to start or open M.Sc.(N) department they are exempted of the two criteria's namely having parent hospital or one batch of B.Sc.(N) students have passed out, provided they are affiliated to state or central government hospital. (w.e.f., 2012-13).
- Institutions under state government and central government are



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exempted from having parent hospital provided they are affiliated to government hospital.”

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3. Learned Special Counsel, thereafter relied upon G.O.(Ms)

No.269 dated 18.07.2020 and clause xviii of the Government Order is extracted hereunder:

“xviii. The Management must provide 100 beds own Hospital with all facilities for clinical training of students duly providing 50% of beds fee for poor patients. However, the same 100 bed own hospital is permitted to be utilized for other courses run by the same institution in the same area. But, the same bed facility will not be permitted to be utilized by another trust’s institutions. Attachment of hospital may be allowed but the same hospital should not be shown by any other institutions.”

4. Learned Special Counsel also relied upon the Indian Nursing

Council Regulation dated 05.07.2021 and the relevant portion relied upon

is extracted hereunder:

“1. Parent Hospital (Unitary/Single Hospital)

College of Nursing should have 100 bedded parent/own hospital which is compulsory requirement.

Parent Hospital for a nursing institution having the same Trust/Society/Company which has established the nursing institution and has also established the hospital.

OR



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For a nursing institution (managed by Trust/Society/Company under Section 8), a 'Parent Hospital' would be a hospital either owned and controlled by the Trust/Society/Company or managed and controlled by a trustee/member/director of the Trust/Society/Company. In case the owner of the hospital is a trustee/member/director of the Trust/Society/ Company, then the hospital would continue to function as a 'Parent Hospital' till the life of the nursing institution.

The Undertaking would also be to the effect that the trustee/member/director of the Trust/Society/Company would not allow the hospital to be treated 'Parent/Affiliated Hospital' to any other nursing institution and will be for minimum 30 years [i.e., signed by all trustees/ members/directors of Trust/Society/Company] to the Undertaking to be submitted from the trustee/member/director of the Trust/Society/ Company.

The beds of Parent Hospital shall be in one Unitary Hospital i.e. in same building/same campus. Further, the Parent Hospital shall be in the same State i.e. where the institution is located.

a)It is to be noted that once a particular hospital is shown as "Parent Hospital" and permission given to the nursing institution to conduct nursing courses, then, the permission/suitability granted would last as long as the said hospital is attached as as "Parent Hospital".

b)In case the trustee/member/director of the Trust/Society/ Company withdraws the Undertaking given, in that case even the permission/ suitability letter issued would be deemed to have lapsed/stand withdrawn with immediate effect."

5. By relying upon the resolution/Government Order/regulations,



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learned Special Counsel submitted that the petitioner without satisfying

the mandatory requirement of 100 bedded parent/own hospital, is not entitled for any approval from the Government.

6. In the light of the above submission made by learned Special Counsel, this Court heard learned counsel for petitioner. Learned counsel for petitioner once again relied upon clause xviii of the Government Order.

7. In the considered view of this Court, clause xviii of the Government Order cannot be read in the manner in which learned counsel for petitioner has understood the same. The last portion of clause 18 speaks about attachment of hospital, which can be allowed and such attachment of hospital pertains to a case where a trust has more than one institution and those institutions can take advantage of the hospital that is already owned by the trust. The last portion of clause xviii cannot be read in isolation by assigning a meaning that an institution can be started even



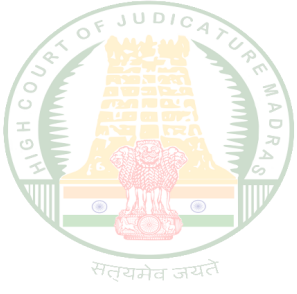
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with a hospital to which it is attached and even without the institution

owning the hospital.

8. In the light of the above preliminary objections raised by learned Special Counsel, the petitioner has to necessarily satisfy this Court and only after crossing this hurdle, the other grounds raised by the petitioner can be gone into by this Court.

9. In the previous hearing, learned counsel for petitioner had raised a ground that the regulation is beyond the power and jurisdiction provided under Section 16(g) of Nursing Council Act, 1947. However, this ground has not been raised in the affidavit filed in support of the writ petition. As a result, the respondents are not in a position to deal with this ground. When the same was pointed out to learned counsel for petitioner, the learned counsel sought for some time to file additional affidavit in this case.



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Post this writ petition on 27.11.2025.

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gm

N.ANAND VENKATESH, J.

gm

To

1.The Secretary to Government,
Government of Tamil Nadu,
Department of Health and Family Welfare,
The Secretariat,
“Nammakkal Kavingar Maligai”,
Fort St.George, Chennai – 09.

2.The Registrar,
Tamil Nadu Nurses and Midwives Council,
Jayaprakash Narayana Maligai,
Old No.140, New No.56,
Santhome High Road,
Chennai – 600 004.

3.Directorate of Medical Education,
No.162, E.V.R. Periyar Salai,
Kilpauk, Chennai – 10.



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