

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CIVIL APPLICATION NO.3724/2015
IN
WRIT PETITION NO.10009 OF 2014

SHRIKANT RAJESHWAR BARTAKKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. Dharurkar Chaitanya V
AGP for Respondents/State: Mr.G.R. Ingole.
Advocate for R.No.3 : Mr.C.V. Jadhav.

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: MARCH 20, 2015

...

Heard.

2 Learned Counsel for the applicants / petitioners submits that the Indian Nursing Council has recognized the institution from which the petitioners have completed their GNM course and to that effect, the petitioners will file affidavit along with copy of such recognition granted by the Indian Nursing Council.

3 Learned AGP vehemently opposed the prayer in the civil application and submits that, the

Government of Maharashtra has not recognized the institution from which the petitioners have completed their GNM course.

4 We have considered the submissions of the learned Counsel for the applicants / petitioners, learned AGP and the learned Counsel for the respondent No.3. Already, this Court has allowed the petitioners to fill in the examination forms. Accordingly, they did fill the examination forms and appeared for examination. However, they are aggrieved by the impugned communication in the civil application that in spite of the fact that they are allowed to appear for the examination, the respondent – authority has declined to allow them to file preference forms on the same grounds, which were agitated earlier.

5 We have perused the interim orders dated 6th September, 2013 and 30th September, 2013 passed by this Court in case of **Akash Ramesh Matade vs. The State of Maharashtra & ors. (Writ Petition No.2597 of 2013)**. In the said case also, in the similar fact situation, this Court allowed the petitioners therein to fill in the examination forms and it was observed in the said order that it would be open for the respondents to issue orders of appointment in favour of eligible candidates

belonging to respective categories subject to outcome of the petition. We propose to follow the same course.

6 In the result, application is allowed in terms of prayer clause (B), which reads, thus:

“(B) By passing appropriate directions the respondent No.2 may kindly be directed to supply & accept he preference forms of the applicant/petitioners and the applicants may further be permitted to participate in the recruitment process until the issuance of appointment orders.”

This order would be subject to outcome of the writ petition. Application stands disposed of, accordingly.

The learned AGP to communicate this order to respondent No.2 in addition to service by the applicants / petitioners. Parties to act upon authenticated copy of this order.

List the writ petition for final disposal on 30th April, 2015.

(P.R. BORA,, J)

(S.S. SHINDE, J)