

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO.7259 OF 2016

**SUSHILKUMAR RAMDAS GHADGE
AND OTHERS.**

..PETITIONERS.

VERSUS

**THE STATE OF MAHARASHTRA
AND OTHERS.**

..RESPONDENTS.

...

**Advocate for Petitioners : Mr.Kendre N.D.
AGP for Respondents/State: Mr.V.S. Badakh.**

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CORAM: S.S. SHINDE & SANGITRAO S.PATIL, JJ.

Dated: 12th AUGUST, 2016.

PER COURT :-

Heard the learned Counsel for the petitioners and the learned AGP appearing for the respondents – State. With their able assistance, perused the pleadings in the petition, grounds taken therein and the reply filed by respondent Nos.1 to 3.

2. The learned Counsel appearing for the petitioners submits that the petitioners, by way of writing a letter dated 24th May, 2016 to the Director, Medical Education and Research Directorate, State of Maharashtra, Mumbai,

sought permission to join the Diploma in Psychiatric Nursing course since the petitioners have been selected in Godawari College of Nursing for the said course. It is submitted that the said authority did not communicate its reply. He further submits that by way of writing the said letter, leave for a period of one year was also sought from the said authority. It is submitted that the petitioners were expecting the reply from the said authority. However, no reply was given to their letter communicating whether the authority is inclined to allow them to join the said college by granting leave from work for one year or not. It is submitted that it is convenient for the petitioners to take admission in the aforementioned college and prosecute their studies. It is submitted that though the respondents have stated that there is a policy decision taken by the State Government that the desirous candidates have to apply only to the Government Institution established at Pune for prosecuting the said course and not in other private institution, the same is inconvenient to

the petitioners. Therefore, the learned Counsel for the petitioners submits that the petition deserves consideration.

3. On the other hand, the learned AGP, relying upon the affidavit-in-reply filed by respondent Nos.1 to 3, submits that respondent No.2 vide letter dated 31st May, 2016 and 9th June, 2016 communicated to all the institutions - Government Medical Hospitals that the candidates, who are interested in prosecuting studies in the Post Basic Diploma in Psychiatric Nursing from Government Institute/College, Pune, should file the application in the prescribed format. It is submitted that from the academic year 2015-16, the Government Institution started at Pune is conducting one year Post Basic Diploma in Psychiatric Nursing. The petitioners are Government employees and their competent authority is Government / Directorate who has taken decision that their employees should take admission in the Government institute, which has been established by the Government in the last

year, for the purpose of higher education of their employees and therefore, in view of the policy decision taken by the respondents, neither permission as prayed for by the petitioners to allow them to join the said Godawari College of Nursing nor leave for one year, can be granted to prosecute the studies in the said Godawari College of Nursing, Jalgaon. The learned AGP appearing for the State invited our attention to the Circular issued by the Medical Education and Research Department, Government of Maharashtra on 7th June, 2014 in support of his contention that the government has taken a decision to allow the Government Employees who are desirous, to take admission to P.B.B.Sc.(Nursing) and M.Sc. (Nursing) in the institute established at Pune by the Government of Maharashtra. The learned AGP, therefore, submits that no relief may be granted to the petitioners.

4. Upon hearing the learned Counsel for the petitioners and the learned AGP appearing for the respondents – State, it appears that there is no

denial to the fact that the petitioners did not seek prior permission before applying for the admission to the Godawari College of Nursing. The petitioners are the Government Employees and therefore, they are bound to adhere to the circulars and instructions issued by the Government and it is not for this Court to grant any relaxation from the said circular. Therefore, no case is made out to grant any relief in exercise of extraordinary writ jurisdiction in favour of the petitioners.

5. Hence, the petition stands rejected.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)