

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9773 OF 2016

Vaidyanath Sarvangin Vikas Pratisthan's
Vaidyanath Institute of Nursing(RGNM)
Vidya Nagar, Parli Vaijnath
through its president
Dr. Suryaant s/o. Baburao Mundhe

.. Petitioner.

VERSUS

1] The Union of India

2] The State of Maharashtra

3] The Indian Nursing Council

4] The Maharashtra Nursing Council

.. Respondents.

. . .

Mr. Abasaheb D. Shinde, Advocate
Mr. D.G. Nagode, Advocate for respondent No.1
MR. S.S. Dande, AGP for respondent No.2
Mr. Alok Sharma, Advocate for respondent No.3
Mr. C.A. Jadhav Advocate for respondent No.4

. . .

**CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.**

DATE : 30TH SEPTEMBER, 2016.

PER COURT:

1] Heard. Rule. Rule made returnable forthwith. Heard finally by
consent of parties.

2] The proposal tendered by the petitioner for additional intake of seats for Revised General Nursing Midwifery Course (RGNM) has been turned down by the respondent No.3 on the ground that the previous/last inspection carried out for enhancement of intake capacity or seats was on 10th/11th February, 2015, and not prior to 1st August, 2014. Reliance is placed on the resolution of the Indian Nursing Council dated 29.10.2014 and more particularly, clause 26 thereof, which states that in order to apply for enhancement of seats, the previous/last inspection should have been conducted before 1st August of the previous year.

3] Perusal of Clause 26 of the aforesaid resolution makes it clear that that the insistence is on conduct of inspection prior to 1st August, 2014 for permitting additional intake capacity of students for the year 2016-17. The pre-condition imposed is illogical and unreasonable. It would be logical if the Nursing Council conducts inspection of the facilities made available by the institution during the previous year. The insistence by the Nursing Council for conducting inspection prior to two years has absolutely no nexus with the object i.e. to grant additional intake capacity of students.

4] In this view of the matter, the Indian Nursing Council is directed to re-consider the proposal of the petitioner for permitting additional intake of students, on the basis of inspection carried out on 10th/11th February, 2015 and shall take decision in accordance with the regulations, as expeditiously as possible and preferably within a period of 3 weeks from today.

5] With the aforesaid directions, writ petition is disposed of. Rule is made absolute in above terms. There shall be no orders as to costs.

[K.K.SONAWANE]
JUDGE

[R.M. BORDE]
JUDGE

grt/-