

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO. 6080 OF 2016

Shree Sant Shiromani Namdev Maharaj
Charitable Foundation's Sahara Insitute
of Nursing Education ..Petitioner

v/s.

Maharashtra Nursing Council
and Ors. ..Respondents

Mr. S.R.Waghmare for the Petitioner.
Mr.R.R.Salvii/b. Suvarna Telgote for the Respondent No.1
Mr.Amey Deshpande for the respondent no.2
Mr.V.M.Mali, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JUNE 09, 2016.**

P.C.

1. Heard learned Counsel appearing for the respective parties. By this petition under Article 226 of the Constitution of India, 1950 the petitioner has sought following reliefs:

“(a) that this Honourable Court may be pleased to issue a writ of mandamus or a writ in the nature of mandamus

thereby directing the 1st respondent to issue Examination Hall tickets to the students (list Exh.T) for RGNM Examination commencing from 13.6.2016 and declare their results.”

2. The petitioner claims that permission was granted by the respondents to admit 20 students. It is the case of the petitioner that the petitioner institute is established in the year 2006 and permission was granted by the respondent to admit 20 students to RGNM course and the intake capacity was increased to 50 students for the academic year 2010-2011 by respondent no.1 only. In accordance with the same, the petitioner institute admitted 50 students upto the academic year 2013-2014. In the academic year 2015-2016 the intake capacity was reduced by the respondent no.1 to 20 students. In pursuance of the guidelines of the respondent no.3, the intake capacity of the institution similarly situated, namely Dr.J.J.Magdum Institute was also reduced to 20 students.

3. Dr.J.J.Magdum Institute filed Writ Petition No.6223 of 2015 and in this petition statement was made by the respondent no.1 that

they will approve the admission of the 39 students of that institute , if the students fulfill the eligibility criteria. On the basis of this statement, the Division Bench of this Court by order dated 29.10.2015 directed the respondent no.1 to accept the proposal data of those 39 students.

4. Based on the interim order of this court passed in Writ Petition No.6223 of 2015 the respondent no.1 passed the following resolution on 15.11.2014

“Maharashtra Nursing Council in its General Body Meeting dated 05/07/2014. Resolution NO.05 to grant intake capacity to institution as per the INC for the A.Y. 2014-15. But Dr.J.J.Magdum Institute of Nursing Education, Kolhapur, & Mary Bhore Institute of Nursing, Miraj, challenged this decision of the Council at Honourable High Court, Mumbai. They are granted an interim relief as per order dated 29.11.2014. In the E.O. GBM dated 5.7.2014 resolution No.11 when it was resolved that Council should not insist for institutions to go to court if the matters are similar one judgment should be made applicable to all similar matters.”

5. In pursuance of this resolution, the petitioner admitted 50 students in the said course for the academic year 2015-2016. He submits that though 50 students were admitted in the said course in pursuance of the decision contained in the said resolution, the

respondent no.1 has accepted the forms of 20 students and the forms of 30 students are not accepted by the respondent no.1. The learned Counsel for the petitioner on the basis of the statement made by the Secretary of the institution, makes a statement that from the next academic year i.e. 2016-2017 the petitioner institute will adhere to the policy of the respondent nos.1 and 3 and would not admit students more than the intake capacity prescribed by the respondent nos.1 to 3. Statement accepted.

6. In the light of the statement made by the petitioner , Mr. Salvi, the learned counsel for the respondent no.1 having taken instructions from the Registrar of respondent no.1 makes a statement that if the petitioner, from the next academic year is going to adhere to the policy decision of the respondent no.1 and 3, their students admitted in the academic year 2015-2016 in pursuance of the policy decision of the respondent no.1 would be allowed to appear for the examination.

7. In view of the above circumstances, we dispose of the petition

by directing the first respondent to accept the online/by hand forms of the remaining 30 students for the examination which is scheduled to be commenced from 30th June, 2016 for RGNM course and declare their results.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)