

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 07808 of 2014

District : Osmanabad

Aamena Nursing College of
Nursing RGNM Kalamb,
Taluka Kalamb,
District Osmanabad,
Through its Secretary,
Kazi Tareq s/o. Gulam Dastagir,
Age : 52 years,
Occupation : Secretary
of Priyadarshani Vikas Mandal,
Kalamb, Taluka Kalamb,
District Osmanabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai - 32.

2. The Maharashtra Nursing
Council, E.S.I.S. Hospital
Compound, Nurses Hostel,
2nd Floor, LBS Marg,
Mulund (W), Mumbai - 80.

3. Indian Nursing Council,
Combined Council Building,
Kotla Marg, Temple Lane,
New Delhi.

.. Respondents.

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*Mr. Aashish T. Jadhavar, Advocate, for the
petitioner.*

*Mr. P.S. Patil, Asst. Government Pleader, for
respondent no.01.*

Mr. C.A. Jadhav, Advocate, for respondent no.02.

Mr. Alok Sharma, Advocate, for respondent no.03.

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With

Writ Petition No. 08140 of 2014

District : Aurangabad

Dwarka Bahu Uddeshiya Sevabhavi
Sanstha, Aurangabad,
Through its President -
Kodiganti Vijaya Bhaskarrao,
Age : 33 years,
Occupation : Business,
R/o. Sillod, Taluka Sillod,
District Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai - 32.
2. The Maharashtra Nursing
Council, E.S.I.S. Hospital
Compound, Nurses Hostel,
2nd Floor, LBS Marg,
Mulund (W), Mumbai - 400 080.
3. Indian Nursing Council,
Combined Council Building,
Kotla Marg, Temple Lane,
New Delhi.

.. Respondents.

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*Mr. Chandrakant V. Thombre, Advocate, for the
petitioner.*

*Mr. P.S. Patil, Asst. Government Pleader, for
respondent no.01.*

Mr. C.A. Jadhav, Advocate, for respondent no.02.

Mr. Alok Sharma, Advocate, for respondent no.03.

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With

Writ Petition No. 08619 of 2014

District : Aurangabad

Akhil Maharashtra Gramin Shikshan
Vikas Mandal, Aurangabad, Run by
Ideal Nursing School at Jatwada,
Taluka & District Aurangabad,
Through its President -
Badshah Fatru Patel,
Age : 47 years,
Occupation : Social Work,
R/o. Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai - 32.

2. The Maharashtra Nursing
Council, E.S.I.S. Hospital
Compound, Nurses Hostel,
2nd Floor, LBS Marg,
Mulund (W), Mumbai,
Through its Registrar.

3. Indian Nursing Council,
Combined Council Building,
Kotla Marg, Temple Lane,
New Delhi.

.. Respondents.

.....

*Mr. Chandrakant V. Thombre, Advocate, for the
petitioner.*

*Mr. P.S. Patil, Asst. Government Pleader, for
respondent no.01.*

Mr. C.A. Jadhav, Advocate, for respondent no.02.

Mr. Alok Sharma, Advocate, for respondent no.03.

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With

Writ Petition No. 08625 of 2014

District : Aurangabad

Akhil Maharashtra Gramin Shikshan
Vikas Mandal, Aurangabad, Run by
Ideal Nursing School at Jatwada,
Taluka & District Aurangabad,
Through its President -
Badshah Fatru Patel,
Age : 47 years,
Occupation : Social Work,
R/o. Aurangabad.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai - 32.

2. The Maharashtra Nursing
Council, E.S.I.S. Hospital
Compound, Nurses Hostel,
2nd Floor, LBS Marg,
Mulund (W), Mumbai,
Through its Registrar.

3. Indian Nursing Council,
Combined Council Building,
Kotla Marg, Temple Lane,
New Delhi.

.. Respondents.

.....

*Mr. Chandrakant V. Thombre, Advocate, for the
petitioner.*

*Mr. P.S. Patil, Asst. Government Pleader, for
respondent no.01.*

Mr. C.A. Jadhav, Advocate, for respondent no.02.

Mr. Alok Sharma, Advocate, for respondent no.03.

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With

Writ Petition No. 11269 of 2016

District : Nanded

Gitai Sevabhavi Shikshan Sanstha,
Pimpalkautha (Magare),
Taluka Mudkhed, Dist. Nanded,
Through its Secretary,
Sachin s/o. Shankarrao Magare,
Aged : 35 years,
Occupation : Agriculture,
R/o. Pimpalkautha (Magare),
Taluka Mudkhed,
District Nanded.

.. Petitioner.

versus

1. The Union of India,
Through the Ministry
of Health & Family Welfare,
Department of Health,
New Delhi.

2. The Indian Nursing Council,
Combined Council Building,
Kotla Road, Temple Lane,
New Delhi - 110 002.

3. The Maharashtra Nursing
Council, E.S.I.S. Hospital
Compound, Nurses Hostel,
2nd Floor, LBS Marg,
Mulund (West),
Mumbai - 400 080,
Through its Registrar.

.. Respondents.

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*Mr. Chandrakant V. Thombre, Advocate, for the
petitioner.*

*Mr. S.B. Deshpande, Asst. Solicitor General
of India, for respondent no.01.*

Mr. Alok Sharma, Advocate, for respondent no.02.

Mr. C.A. Jadhav, Advocate, for respondent no.03.

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With

Writ Petition No. 12333 of 2016

District : Nanded

Atmaram Maharaj Sevabhavi
Sanstha, Selgaon (Bk.),
Taluka Ardhapur,
District Nanded,
Through its President,
Dr. Bhalchandra P. Walkikar,
Aged : 50 years,
Occupation : Doctor,
R/o. Nanded,
Taluka & Dist. Nanded.

.. Petitioner.

versus

1. The Union of India,
Through the Ministry
of Health & Family Welfare,
Department of Health,
New Delhi.
2. The Indian Nursing Council,
Combined Council Building,
Kotla Road, Temple Lane,
New Delhi - 110 002.
3. The Maharashtra Nursing
Council, E.S.I.S. Hospital
Compound, Nurses Hostel,
2nd Floor, LBS Marg,
Mulund (West),
Mumbai - 400 080,
Through its Registrar.

4. The State of Maharashtra,
Through the Secretary to the
Government of Maharashtra
in Food & Drugs Department,
Mantralaya, Fort, Mumbai - 32. .. Respondents.

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*Mr. Chandrakant V. Thombre, Advocate, for the
petitioner.*

*Mr. S.B. Deshpande, Asst. Solicitor General
of India, for respondent no.01.*

Mr. Alok Sharma, Advocate, for respondent no.02.

Mr. C.A. Jadhav, Advocate, for respondent no.03.

*Mr. P.S. Patil, Asst. Government Pleader, for
respondent no.04.*

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**CORAM : S.V. GANGAPURWALA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 01ST NOVEMBER 2017

ORAL ORDER :

01. Heard. Rule. Rule made returnable
forthwith and heard finally by consent of learned
Counsel for respective parties.

02. The learned Counsel for petitioners submit
that the present petitions be disposed of in terms of
the judgment and order dated 09th October 2017,
delivered in Writ Petition No. 11260 of 2017 (*Private
Nursing Schools and Colleges Management Association Vs. The Union of
India & others*) & Writ Petition No. 10639 of 2017 (*Shiva
Trust's Supriyadidi Sule College of Nursing at Wadala Mahadeo, Taluka*

Shrirampur, Dist. Ahmednagar Vs. The Indian Nursing Council & others).

03. Mr. Alok Sharma, learned Counsel appearing for the respondent - Indian Nursing Council, accedes that the petitions can be disposed of in terms of the aforesaid judgment.

04. This Court in para 25 of the judgment delivered in the aforesaid writ petitions has observed thus :

" For the reasons recorded above, writ petitions presented by petitioners deserve to be allowed. It is held and declared that the Indian Nursing Council - respondent no.5 herein has no authority to grant recognition to the institutions imparting nursing training such as Auxiliary Nurse and Midwife Course (ANM), General Nursing and Midwifery (GNM), Bachelor of Nursing (B.Sc.), Post Basic Bachelor of Nursing (P.B.B.Sc.) and Master of Nursing (M.Sc.).

Respondent no.5 - Indian Nursing Council is prohibited from publishing on its website material indicating that the institutions imparting nursing course in the Maharashtra State shall have to obtain recognition from it.

At the same time, it is imperative for such institutions, imparting training in nursing in Maharashtra State (which have not been approved by the Indian Nursing Council), the State Council and Health University to publish on its website that the degrees and diploma awarded by such institutions shall have applicability only in the State and the candidates receiving such degree or diploma would be entitled to practice within the State only. The same shall also be mentioned in the diploma and degree certificates awarded by the institutions and the Universities in this regard and, the

students shall be made known regarding this restriction by giving due publicity on the website while processing admissions to such institutions.

Rule is accordingly made absolute. No costs."

05. In the light of that, present Writ Petitions stand disposed of in terms of the judgment and order dated 09th October 2017, in Writ Petition No. 11260 of 2017 with connected Writ Petition. Rule made absolute accordingly. There shall be no order as to costs.

(Smt. Vibha Kankanwadi)
JUDGE

(S.V. Gangapurwala)
JUDGE

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