

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD.****WRIT PETITION NO. 3723 OF 2013**

Mahatma Gandhi Shikshan Mandal
Through its authorized officer.

Petitioner.

Versus

The State of Maharashtra & others

Respondents.

WITH

CIVIL APPLICATION NO.6047 OF 2013

Dr. Rahul Rajkumar Jawanjal

Applicant.

Versus

The Staet of Maharashtra & others

Respondents

Mr. B.R. Waramaa, Advocate for the petitioner.

Mr. S.B. Pulkundwar, A.G.P. for the State.

Mr. C.A. Jadhav, Advocate for respondent No.2.

Mr. Alok Sharma Advocate for respondent No.3.

Mr. S.B. Jadhav, Advocate for intervenor.

**CORAM : T.V. NALAWADE &
SUNIL K. KOTWAL,JJ.**

Dated : 09.01.2018.

PER COURT :-

1. The Petition is filed by the Institution for the relief of issuing direction to respondent No.2 to enroll 30 female students as per the list annexed for the academic year 2012-2013 in respondent No.2-Council and for granting them permission to appear in the examination scheduled in June 2013. Further the

relief is claimed to declare that the certificate to run R.A.N.M. Course is not required from the respondents and further direction is claimed to direct respondent No.3 to issue modified suitability certificate as per intake capacity approved by respondent No.2. w.e.f. 2009. Some other reliefs are also claimed.

2. Both sides are heard.

3. The point involved in the matter is no longer *Res integra*. Leaned Counsel for the petitioner produced on record copy of the decision given by the Apex Court in Civil Appeal Nos.12759-12761 of 2017. Reliance is also placed on the decision given by this Court in Writ Petition No.11260 of 2017, decided on 09.10.2017. It appears that while deciding Writ Petition No. 11260 of 2017, this Court considered the decision given by the Apex Court in aforesaid Civil Appeals. It is laid down that respondent No.3 is not the Authority to grant recognition to the Institution imparting nursing training. The matter was required to be filed due to publication by respondent No.3 of list of not permitted Institutions for academic year 2012-2013 in which the petitioner Institution was listed.

4. The submissions made show that due to interim relief granted by this Court, the students were admitted and they have completed the Course. As the point is now decided by the Apex Court, the relief in terms of prayer clause (A) needs to be granted and similarly the publication made as against the petitioner needs to be set aside. So those reliefs are granted in the present petition and the proceeding is disposed of.

5. The submissions made show that the State Nursing Council subsequently granted permission/approval for subsequent academic year. In view of the peculiar circumstance it is to be presumed that there was such permission for the academic year 2012-2013 also.

6. Civil Application for intervention is allowed and disposed of accordingly.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE