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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4006/2017

(Om Sai Bahuuddeshiya Education Society : Sai Nursing College and others vs. State of
Maharashtra and others)

AND

WRIT PETITION NO.3354/2017

(Savitribai Fule Mahila Mandal vs. State of Maharashtra and others)

AND

WRIT PETITION NO. 6573/2016

(National Integrated Child Education Society vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

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 Mr. Anand Parchure ,Adv. petitioner/s
 Mr.Deepak Thakre, Addl.G.P. for respondent no.1 -State
 Mr. Abhijit Khare, Adv.for respondent 2
 Mrs.Gauri Venkatraman, Adv.for respondent no.3

CORAM : **B.P. DHARMADHIKARI &**
MRS. SWAPNA JOSHI, JJ.

DATED : 29th January, 2018.

1. After some hearing, we find that consideration of controversy by Division Bench of Karnataka High Court in Writ Appeals on adjudication by learned single Judge, after disposal of Civil Appeal Nos. 12759- 12761 of 2017 by Hon'ble Apex Court on 11th September,2017 will be decisive.

2. The petitioners as also respondents are not in position to point out said Division Bench judgment.

3. The orders passed by Division Bench of this Court in Writ Petition No.11260/2017 and connected matters at Aurangabad on 9th October 2017, are pressed into service.

4. Thereafter considering the view of learned single Judge of Karnataka High Court which is pending in Appeals mentioned *supra*, judgment has been delivered.

5. The petitioners seeks increase in intake capacity from 20 to 40.

6. The question needs to be decided in the backdrop of obligation of State Government to pay scholarships to students who take admissions against such increased intake capacity.

7. *Prima facie*, burden on public revenue can be cast only if the area needs more trained nurses, if the existing number of institutes are insufficient or deficient increase in intake capacity may be warranted. If that is not the position, increase may not be necessary and will not be justified.

8. We therefore find that issue initially needs to be looked into by State Government. State Government has to examine whether there is any need for permitting such increased intake capacity.

9. We, therefore, without observing anything on merits of contentions placed before us, direct respondent-State Government to take necessary decision on increased intake capacity within three months from today.

10. With these directions, we dispose of all Writ Petitions. No costs.

JUDGE

JUDGE