

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 680/2018.

Sarvodaya Bhumi Putra Bahuudeshiya Vikas Mandal. -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1189/2017.

Ramkrishna Education Society. -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1197/2017.

Sharad Gramin Vikas Bahuudeshiya . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1198/2017.

Aashray Gramvikas Bahuudeshiya Sanstha . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1199/2017.

Awdhut Bahuuddeshiya Seva Sanstha . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1212/2017.

Sewa-Siddi Bahuudeshiya Vikas Sanstha. -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1213/2017.

Dr. Allama Iqbal Education Society . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1993/2018.

Shiwangi Yeshwant Chikate and others . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 4906/2016.

Aai Saraswati Bahuudeshiya Mahila Vikas . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 1238/2017.

Pawan Bahuudeshiya Shikshan . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 5420/2017.

Asharam School of Nursing . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 6519/2017.

Sharda Nursing School -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 6605/2016.

Shri Sai School of Nursing . -**VERSUS**-State of Maharashtra and others.

WRIT PETITION NO. 7425/2017.

Ayurved Utkarsh Mandal . -**VERSUS**-State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND Z.A. HAQ, JJ.

DATE : JUNE 06, 2018.

Heard Shri Anand Parchure, learned

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Counsel for petitioners, Shri S.P. Dharmadhikari, learned Senior Counsel with Shri D.P. Thakare, learned Addl.G.P. for respondent nos. 1, 2 and 4, Shri A. Khare, learned Counsel for respondent no.3 and Mrs. G. Venkatraman, learned Counsel for respondent no.5.

2. During hearing, our attention has been invited to judgment delivered at Aurangabad Bench in Writ Petition Nos. 11260 and 10639 of 2017. There the Division Bench has in paragraph nos. 24 and 25 categorically held that once the course starts with due recognition and affiliation of respondent no.3 Council and Health University, Indian Nursing Council has no role to play. According to petitioners, this judgment has not been questioned further and has attained finality. They also point out that Aurangabad Bench has followed the judgment of Hon'ble Supreme Court in Special Leave Petition (Civil) No.9/2014, decided on 02.05.2014.

3. Learned Senior Counsel points out that he has no instructions in this respect. However, till date Hon'ble Supreme Court has not been approached.

4. Other grievance of petitioners is, though in

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some matters the scholarship is found not receivable or is being recovered back, as there is no original transfer certificate or then the income certificate of parent of concerned student, the decision has been taken without extending them any opportunity. They submit that if opportunity is extended, necessary compliances can be pointed out and the problem could be resolved.

5. Learned Senior Counsel upon instructions states that respondents are ready and willing to extend opportunity to all petitioners and even the need of implementing the judgment delivered at Aurangabad Bench, shall then be examined.

6. In two matters the scholarship amount is already recovered back from the students. In other matters, as yet there is no recovery, though there is objection by respondents pointing out that scholarship is not receivable by those petitioners.

7. We therefore, find that interest of justice can be met with by directing petitioners to appear before respondent no.2 on 16.07.2018. Petitioners shall make appropriate representation pointing out due compliances and thereafter, their individual

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grievances shall be looked into by respondent no.2 or other concerned respondent, as per law within a period of next 8 weeks.

8. If the scholarship amount is found payable/receivable, the same shall be released to concerned petitioners as per law within next three months. If amount already recovered, is found refundable, the same shall be refunded during same period.

9. In view of this order, we quash and set aside the impugned recovery notices. We also make it clear that if scholarship for the period subsequent to the period in dispute is withheld only for present litigation, the entitlement and eligibility of each petitioner to receive the same shall be independently examined by the concerned respondent during said period.

10. Writ Petitions are accordingly disposed of. No cost.

11. Original order be kept in Writ Petition No.680/2018 and its copy be placed on record of connected Writ Petitions.

JUDGE

JUDGE

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