

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7663 OF 2019

MAHARASHTRA STATE NURSING ASSOCIATION
THROUGH ITS MEMBER
ARUN BALIRAM INGLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Mahajan Lalitkumar S
AGP for Respondent No. 1 : Mr. R. B. Bagul
Advocate for Respondent No. 2 : Mr. C. A. Jadhav

...

CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 25th JUNE, 2019

PER COURT:

1. Heard.

2. The learned A.G.P. accepts notice for respondent no. 1. Mr. Jadhav, learned counsel accepts notice for respondent no. 2.

3. Mr. Mahajan, learned counsel for the petitioner submits that respondent no. 1 be directed to appoint returning officer and initiate steps to conduct the elections for respondent

no. 2 in time bound manner and comply the order of the High Court dated 12.12.2018 in Notice of Motion No. 613 of 2018.

4. The learned A.G.P. points out that, though, the High Court at the principal seat allowed the Notice of Motion but had not directed that the elections should be held within one year.

5. The order is already passed by this Court at the principal seat in Notice of Motion No. 613 of 2018 in Writ Petition No. 2005 of 2012. The context of the order reads thus -

"19. We further direct the State Government to take action strictly in conformity with the provisions of the Act, 1966. It is made clear that we have neither examined, much less approved, the proposed action of the State of appointment of an administrator nor it be understood that we have given the State Government one year's time to hold the elections. We expect the State Government to take appropriate steps in accordance with the provisions of the Act, 1966 so as to ensure that the Council is constituted, under Section 3 of the Act, as expeditiously as possible and a suitable mechanism is put in place to administer the affairs, and discharge the functions and duties of the Council, in the intervening period."

6. The Court had specifically observed that the State Government shall take action strictly in conformity with the provisions of the Maharashtra Nurses Act, 1966 and that it may not be understood that the directions are given to the State Government to hold elections in one year time. The Court expects the State Government to take appropriate steps under the provisions of Act 1966 so as to ensure that the Council is constituted U/Sec. 3 of the Act, as expeditiously as possible.

7. Naturally, the State Government would be bound by the order dated 12.12.2018 passed in Notice of Motion No. 613 of 2018 in Writ Petition No. 2005 of 2012. If the respondents are not adhering to the said order, then the further steps would be taken by the parties in the said Notice of Motion.

8. Writ Petition is disposed of accordingly. No costs.

[MANGESH S. PATIL, J.]
marathe

[S. V. GANGAPURWALA, J.]