

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

WRIT PETITION NO. 15146 OF 2019

Bhavani Sevabhavi Sanstha's Blessing
College of Nursing (B.Sc. Nursing)
Through Its Office Superintendent .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Mr. C. A. Jadhav, Advocate for Petitioner.
Mr. S. B. Yawalkar, Addl. G. P. for Respondent Nos. 1 and 2.
Mr. M. D. Narwadkar, Advocate for Respondent No. 3.
Mr. K. C. Sant, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATED : 18th DECEMBER, 2019.

PER COURT:-

. Heard the learned counsel for the respective parties.

2. The petitioner has been given affiliation by the University on or about 03.12.2019. The name of the petitioner initially was included in the list of institutions permitted to admit the students. Subsequently, it was deleted as the affiliation was not received from the University. Now, again the name of the petitioner does not appear in the list of the institutions permitted to admit the students.

3. The petitioner has the permission from the State with intake

capacity of 40 students.

4. The reason for not including the name of the petitioner in the list of institutions permitted to admit the students is that the affiliation has been granted by the University after cap round is over.

5. We had asked Mr. Narwadkar, learned counsel for respondent No. 3 about existence of any rules prohibiting the name of the institution from entering into the list of the institutions permitted to admit the students. Mr. Narwadkar, learned counsel on instructions submits that no rules exist as far as B.Sc. Nursing course is concerned. The rules are in existence in respect of M.B.B.S. and B.D.S. course.

6. As no rules exist prohibiting a particular institution from admitting the students if, it has received affiliation after the cap round, the respondents cannot deny the petitioner benefit of admitting the students in the institutional round as per the merit.

7. It is for the respondents to frame rules accordingly.

8. In the light of the above, considering the fact that as on date no rules exist by virtue of which the petitioner can be denied right to admit the students after having got the affiliation from the University and recognition from the State Government, the respondent No. 3 shall

include the name of the petitioner in the list of institutions permitted to admit the students.

9. Writ petition accordingly is disposed of. No costs.

(AVINASH G. GHAROTE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.