

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2817/2020

Dr. Keshav B. Hedgewar Paryayi Shiksha Mandal
..VS..
State of Maharashtra & anr.

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

Court's or Judge's orders

Shri F.T. Mirza, Advocate for the petitioner
Shri A.M. Deshpande, Addl. GP for the respondent no. 1
Shri M.M. Sudame, Advocate for the respondent no. 2

CORAM : DIPANKAR DATTA, C.J. &
Z.A.HAQ, J.
DATED : NOVEMBER 4, 2020

P.C. :

1] Prayer in this writ petition is for a direction on the respondents to consider and process the proposal of the petitioner submitted on 29th July, 2019 for starting GNM Course at Nagpur. The orders passed by this Court by various co-ordinate Benches, at the Nagpur Bench of this Court as well as the Bench at Aurangabad, have been placed before us. Although learned advocate appearing for the respondent no. 2 – Maharashtra State Board of Nursing and Para Medical Education has sought to distinguish such decisions, we find no substance in the submission. The orders unambiguously direct the Board to conduct inspection and for taking the proposals to their logical conclusion, direct forwarding thereof to the Government for its due consideration.

2] In such view of the matter, we find no reason to keep this writ petition pending. Being *ad idem* with the orders passed by the co-ordinate Benches, we direct as under :-

a) The respondent no. 2 – Board shall consider the application of the petitioner for opening new GNM College in accordance with law. For such purpose, necessary inspection may be conducted as early as possible but not later than 30th November, 2020.

b) The proposal shall thereafter be forwarded to the State Government by 10th December, 2020. The State Government shall take an appropriate decision for grant of essentiality certificate to the petitioner on its own merit.

c) Having regard to the fact of pendency of the petitioner's application for quite sometime, it is expected that the State Government shall not delay its decision on such application.

3] With these directions, this writ petition stands disposed of. There shall be no order for costs.

(Z.A.HAQ, J.)

(CHIEF JUSTICE)