

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

WRIT PETITION NO. 12237 OF 2019

Aamena Nursing College of Nursing
RGNM Kallamb, Tq. Kallamb,
Through its Secretary .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sachin S. Deshmukh, Advocate for the Petitioner.
Shri S. P. Tiwari, A.G.P. for the Respondent No. 1.
Shri M. D. Narwadkar, Advocate for the Respondent No. 2.
Shri C. A. Jadhav, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 16TH SEPTEMBER, 2021.

FINAL ORDER :

. We have heard Mr. Deshmukh, the learned advocate for the petitioner. According to the learned counsel essentiality certificate for starting RGNM course was granted to the petitioner in the year 2012. The Maharashtra Nursing Council (for short M.N.C.) did not grant permission/affiliation for wrong reasons. Under the impugned communication also it was observed that as there is no permission from the Indian Nursing Council (for short I.N.C.), the petitioner is not entitled to admit the students. According to the learned counsel, same is erroneous and against the dictum of this Court in Writ Petition No. 11260 of 2017 dated 09th October, 2017. The same is also reiterated in the writ petition filed by the petitioner bearing Writ

Petition No. 7808 of 2014 under order dated 01st November, 2017. In spite of the clear dictum of this Court that the permission of the I.N.C. is not required, the M.N.C. under the impugned communication has reiterated the same thing. It is illegal.

2. We have also heard Mr. Narwadkar, the learned advocate for the respondent No. 2/Board.

3. In fact, now role of the respondent No. 3 in granting affiliation/permission is no longer in vogue. The same is now within the realm of the respondent No. 2/board. It was certainly erroneous on the part of the respondent No. 3 to observe in the impugned communication that Indian Nursing Council's permission ought to have been obtained. The same is not requirement of law as has been held in the earlier writ petition filed by the petitioner.

4. In the light of that, the impugned communication to the extent directing the petitioner to obtain the permission of I.N.C. is quashed and set aside. The petitioner may apply to the respondent No. 2 for permission, which application shall be considered by the respondent No. 2 on its own merits, in accordance with law. Keeping all aspects open, the writ petition is disposed of. No costs.

[R. N. LADDHA, J.]
bsb/Sept.21

[S. V. GANGAPURWALA, J.]