

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

CIVIL APPLICATION (CAW) NO. 1341 OF 2021

IN

WRIT PETITION NO. 6119 OF 2018

(DATTATRAYA BAHU-UDDESHIYA SHIKSHAN SANSTHA & ANR...VS..STATE OF MAH. THR.
 MEDICAL EDUCATION & DRUGS DEPT. & OTH.)

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

Court's or Judge's orders

 Shri Anand Parchure, Advocate for Petitioners.
 Shri A.A.Madiwale, A.G.P. for Respondent No.1.
 Ms Akansha Bhatt, Adv. h/f. Ms Gauri Venkatraman, Adv. for R-2.
 Shri M.M.Sudame, Advocate for Respondent No.3.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : SEPTEMBER 20, 2021.

1. Heard.

2. This petition questions the legality or otherwise of the constitution of respondent No.3-Board which is, Maharashtra State Board of Nursing and Para-medical Education on the ground that when the Maharashtra Nursing Act, 1966 is in operation, the State Government cannot, through an enactment made in the year 2013, which is Maharashtra State Board of Nursing and Para-medical Act, 2013 can constitute such a Board under the provisions of 2013 enactment and that too by issuance of notification, which is not signed by the Competent Authority.

3. Some of these facts, as submitted by the learned counsel for the petitioner, are not averred in the petition and therefore, this amendment application has been moved which if allowed, would only strengthen the contentions of the petitioners.

4. The amendment application is opposed by Shri Sudame, learned counsel for respondent No.3 contending that the validity of the Act of 2013 has already tested earlier and it has been found to be invalid and therefore, there is no merit in this application.

5. Learned counsel for respondent No.2 seeks one week's time to file reply in the matter. However, the reply of the respondent No.2, in so far as this application is concerned, may not be necessary.

6. The opposition expressed by the learned counsel for the respondent No.3 is more on merits of the matter than on the need for allowing this application or otherwise.

7. In our view, the application only seeks to add few more grounds to question the legality of the respondent No.3-Board and therefore, this application can be allowed.

8. In view of above, the Civil Application is **allowed**. The amendment be carried out within one

week. Copy of the amended petition be furnished to the respondents with liberty to file additional reply, if any.

10. List the writ petition for further consideration / hearing after **two weeks**.

(ANIL S.KILOR,J)

(SUNIL B. SHUKRE,J)

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