

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1012 WRIT PETITION NO. 1176 OF 2022

STUDENT ACADEMIC EDUCATION SOCIETY'S OYSTER COLLEGE OF
NURSING THROUGH ITS PRESIDENT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Atul M. Karad

AGP for Respondent No. 1 : Mr. A.R. Kale

Advocate for Respondent No. 2 : Mr. Kishor C. Sant

Advocate for Respondent No. 3 : Mr. M.D. Narwadkar

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 23rd FEBRUARY, 2022

PER COURT :-

1. The petitioner is assailing the order passed by the University refusing continuation of the affiliation directing the petitioner not to admit fresh students in Nursing Course for the academic year 2021-2022.
2. The petitioner is running Nursing Course.
3. The Committee of respondent No. 2 - University conducted surprise visit on 24-06-2021. Subsequently show cause notice was issued to the petitioner on 10-11-2021 directing the petitioner to appear before the Committee on 24-11-2021. Thereafter, the impugned order is passed.
4. Mr. Karad, learned counsel for petitioner submits that petitioner was not given a copy of report of the inspection. The Committee has given a copy of the report on the date of hearing. On that day itself hearing was concluded. The petitioner could not get opportunity to put forth its stand.
5. The learned counsel referring to the documents states that 17 staff members are appointed, out of which services of 14 employees are approved by the University. Some norms are to be followed because of Covid-19 situation. If copy of the report would have been made available

to the petitioner certainly petitioner would have brought on record all facts and put forth its stand.

6. Mr. Sant, learned counsel for respondent No. 2-University submits that petitioner never sought time to file his say after receipt of inspection report. Respondent has right to conduct the surprise inspection. The University cannot compromise with the educational standard. The decision has been rightly taken.

7. It appears that petitioner was not served with the copy of the inspection report along with show cause notice and it was served with copy of inspection report on the date of hearing itself. The petitioner also produced the approvals granted to the appointment of staff.

8. Now, the petitioner has received the copy of report.

9. Mr. Sant learned Advocate for the respondent-University submits that respondent University has right to conduct surprise inspection and fresh hearing can be given to the petitioner. The University would take fresh decision within a period of fifteen (15) days. Cut off date is not fixed for admission.

10. In view of the above, respondent University may give date of hearing to the petitioner. The petitioner may file detail say. The decision would be taken by the University afresh preferably within a period of fifteen (15) days. It is for the University to take appropriate steps as may be permissible under law. While taking decision earlier orders would not be impediment.

11. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE