

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

WRIT PETITION NO. 3725 OF 2022

Shree Kashi Shikshan Prasarak Mandal's
Sant Eknath Institute of Nursing (GNM)
Through its Secretary
Vinod Arvind Gaikwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

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

**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATED : 28th MARCH 2022.

PER COURT:-

. By this petition filed under Article 226 of the Constitution of India the petitioner seeks a writ in the nature of mandamus to the respondent Nos. 1 and 3 to increase the intake of the petitioner institution to 40 students i.e $20+40 = 60$ and to grant permission for enhancement of seats Essentiality Certificate/Government Resolution in favour of the petitioner to admit the students for GNM course for the academic year 2021-2022. The petitioner also prays for writ of certiorari or writ in the nature of certiorari to quash and set aside the Government Resolution dated 02.03.2022 issued by the Medical

Education and Drugs Department, Government of Maharashtra, Mantralaya, Mumbai.

2. Pursuant to the recommendation made by the respondent No. 3, the authority carried out the inspection of the infrastructure and facilities provided by the petitioner and passed the Government Resolution admittedly for enhancement of seats permitting the petitioner to admit 40 students. The inspection was carried out by the authority after the petitioner deposited the requisite amount in the month of October 2021.

3. The petitioner has placed reliance on the recommendation dated 10.03.2021 for increase in intake capacity from 20 to 60 seats. The original recommendation made by the respondent No. 3 was for 40 seats total by increasing 20 seats. The authority has not carried out any inspection for enhancement of the intake capacity from 20 to 60 seats.

4. The apprehension of the petitioner is that the petitioner has already deposited sum of Rs. 5,00,000/- on the premise that the petitioner would get permission to increase 40 additional students in addition to 20 students already permitted. If there is any surplus amount deposited by the petitioner, petitioner can apply for adjustment for the next academic year. No case is made by the petitioner for enhancement of

40 seats for this academic year. It is made clear that, the petitioner would be at liberty to apply for enhancement of seats for the next academic year. If, any such application is made by the petitioner, the same shall be considered by the authority on its own merits.

5. It is not disputed that the respondent No. 3 has already made recommendation for granting permission of 40 additional seats in favour of the petitioner for which no inspection was carried out by the authority. Since the recommendation is already made by the respondent No. 3 for additional 40 seats, we direct the State Government to consider the said recommendation made by the respondent No. 3 and the application made by the petitioner for the next academic year i.e. 2022-2023 expeditiously. It is made clear that, since the State Government has already granted permission for 20 additional seats in addition to the existing 20 seats for the academic year 2021-2022, the proposal now that would be considered would be for further additional 20 seats in addition to 40 seats i.e. total 60 seats by the State Government.

6. Writ petition is disposed of in aforesaid terms. No order as to costs.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

RS.B.