

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

WRIT PETITION NO.4204 OF 2022

Smt. Anusaya Narayanrao Sawargave,
Age 42 years, Occu. Service,
R/o Flat No.5, Arav Apartment,
Plot No.A/54, Survey No.32/2,
Uttara Nagari, Brijwadi,
Aurangabad, District Aurangabad.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through the Secretary for
Medical Education and Drugs
Department, Mantralaya, Mumbai.
2. The Director / Administrator (M.N.C.)
Medical Education and Research,
Government Dental College and
Hospital, 4th Floor, Saint Georges Hospital
Compound Fort, Mumbai-01.
3. The Maharashtra Nursing Council,
5th Floor, Bombay Mutual Annexe,
Gunbow Street, Opp. Residency Hotel
Off. D. N. Road, Fort, Mumbai,
Maharashtra 400 001
Through its Registrar.

... **Respondents**

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Advocate for Petitioner : Mr. A. D. Shinde h/f Mr. A. V. Hon.
GP for Respondents-State : Mr. D. R. Kale.
Advocate for Respondent No.3 : Mr. C. A. Jadhav.

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

DATE : 18.04.2022

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

1. Rule. Mr. Kale, learned Government Pleader waives service of notice for respondent Nos.1 and 2. Mr. Jadhav, learned counsel waives service of notice for respondent No.3. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, petitioner seeks a writ of Mandamus to the respondents to publish the names of the Elected Managing Committee Members as per list forwarded to the Government communication dated 10.12.2021 by the Returning Officer along with nominated members as per the Maharashtra Nurses Act, 1966. It is not disputed that pursuant to the notification issued by the Nursing Council for conducting the elections for nine (9) members of the Committee of the Council, the elections were held and the names of the Elected Managing Committee members were communicated to the State Government by the Returning Officer vide communication dated 10.12.2021. The State Government, however, has not published the result i.e. the names of the Elected Managing Committee Members of the Council in the Maharashtra

Government Gazette under Section 4 of the Maharashtra Nurses Act, 1966.

3. In our view, once the elections are already held by the Managing Committee, under Section 4 of the said Act, the State Government is under an obligation to publish the result of the names of the Elected Managing Committee Members of the Council and to publish in the Maharashtra Government Gazette. We, accordingly, direct respondent No.1 to publish the names of the Elected Managing Committee Members in the Maharashtra Government Gazette as per the list forwarded to the Government vide communication dated 10.12.2021 by the Returning Officer along with the members as per the provisions of the Maharashtra Nurses Act, 1966 within a period of two (2) weeks from today without fail.

4. Writ Petition is allowed in the aforesaid terms. Rule made absolute accordingly.

5. Parties to act upon the authenticated copy of this order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-