

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

**WRIT PETITION NO. 4595 OF 2022**

Prakashchand Jain Bahuuddeshiya Sanstha's  
 Shri. Prakashchand Jain Institute of Nursing  
 Palaskheda Bk., Taluka Jamner, District Jalgaon.  
 Through its Secretary,  
 Manojkumar S/o. Prakashchand Kawdiya,  
 Age 52 years, Occu. Business,  
 R/o. Mayur Complex, Jamner,  
 Taluka Jamner, District Jalgaon

.. Petitioner

Versus

1. The State of Maharashtra  
 Through the Secretary,  
 Medical Education and Drugs Department,  
 Mantralaya, Mumbai – 32.
2. Maharashtra State Board of Nursing  
 And Paramedical Education,  
 Government Dental College and  
 Hospital Building, St. Georges  
 Hospital Campus, Fort, Mumbai,  
 Through its Registrar

.. Respondents

...

Mr. Tukaram M. Venjane, Advocate for Petitioner  
 Mr. A. R. Kale, A.G.P. for Respondents – State

...

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

**DATE : 28-04-2022**

**ORAL JUDGMENT**  
**(PER : R. D. DHANUKA) :-**

Rule. Learned A.G.P. waives service of notice for

respondents. Rule made returnable forthwith. Heard finally with consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of *mandamus* against the respondent no.1 – State Government to forthwith consider the proposal of the petitioner institute for intake of 60 students for GNM course from the academic year 2021-22.

3. It is submitted by the learned counsel for the petitioner that, the petitioner had filed proposal to the respondents for starting the new nursing school of General Nursing Midwifery (GNM) course on 26.10.2020. Respondent no.2 - committee recommended the case of petitioner for grant of intake of 60 students and submitted its report on 29.12.2020. The respondent no.2 - committee has conducted inspection and given positive recommendation and report has been forwarded to respondent no.1 - State Government for further approval and grant of permission to the petitioner for intake of 60 students from the current academic year. Said proposal is pending with respondent no.1. The petitioner made representation to the respondent no.1 to consider proposal at the earliest. But, no action has been taken.

4. We accordingly direct the respondent no. 1 – State Government to decide the said proposal of the petitioner and pass order on its own merits on or before 31.05.2022.

6. It is made clear that, this Court has not expressed any opinion on the merits of the matter.

5. All contentions of both the parties are kept open.

6. Writ petition is disposed of accordingly. No order as to costs.

7. Rule made absolute in aforesaid terms.

8. The parties shall act on authenticate copy of this order.

( S. G. MEHARE )  
JUDGE

( R. D. DHANUKA )  
JUDGE

rrd