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

944 WRIT PETITION NO.7106 OF 2022

**YASHWANT MEDICAL FOUNDATION AND RESEARCH
CENTRE'S, THROUGH ITS PRINCIPAL DR. SHIVAJI
RABHAJIRAO RAUT**

VERSUS

**THE STATE OF MAHARASHTRA, THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Mr B. T. Bodkhe, Advocate for petitioner;

Mr S. G. Karlekar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ANIL L. PANSARE, JJ.**

DATE : 12th July, 2022

PER COURT:

1. We have perused the prayer clauses (B) and (C), which read as under :-

“B. By issuing writ of Mandamus or any other writ or order in the like nature, this Hon’ble Court may be pleased to direct the respondent no.1 to consider the proposal of petitioner dated 29.07.2019 for enhancement of intake capacity and to grant permission in favour of petitioner to admit 80 students for the academic year 2022-2023 and for that purpose issue necessary orders;

C. Pending the hearing and final disposal of this Writ Petition, this Hon’ble Court may be pleased to direct the respondent no.1 to consider the proposal of petitioner dated 29.07.2019 for enhancement of intake capacity and to grant permission in favour of petitioner to admit

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80 students for the academic year 2022-2023 and for that purpose issue necessary orders;”

2. With the assistance of the learned Advocates representing the respective sides, we have gone through the petition paper book and we find that the issue is, whether the petitioner can be permitted to increase the intake capacity from 20 students to 40 students or 80 students. The intake capacity of 20 students is stagnant since 15/02/2008.

3. We are informed that the proposal with regard to increasing the number of seats in the said Nursing School is pending with respondent No.1.

4. In view of the above, this petition is disposed off, with the expectation that respondent No.1 would endeavour to decide the said proposal, strictly in accordance with the Rules and Policies applicable, and in the event of there being no legal impediment. If the period of 60 days is insufficient, the first respondent is at liberty to move a civil application before this Court for seeking extension of time by citing reasons. Needless to state, the proposal will be considered by respondent No.1, in the event the same is still pending.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk