

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.15334 OF 2022
IN WP/1267/2022

SHIVBA PRATISTHANS ARJUN SCHOOL OF NURSING (GNM)
THROUGH IT'S PRINCIPAL SHRI MALINI SUNDARLAL BATTISE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
ANOTHER

Mr.C.A.Jadhav, Advocate for the applicant.
Mr.P.K.Lakhotiya, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : NOVEMBER 15, 2022

PER COURT :

1. On 11.02.2022, this Court considered the submissions of the learned Advocates for the respective sides in this petition filed by the petitioner / Management and had passed the following order :-

"1. The learned counsel for the petitioner submits that one Yash Santosh Pakhare was admitted to the first year GNM course for the academic year 2020-2021. While uploading the list mistake was committed and name of Joshi Omkar Umakant was repeated twice in the said list instead of name of Yash Santosh Pakhare. The petitioner applied for correction of the same. Respondents did not accept the request of the petitioner. Register is maintained by the petitioner

institution in regular course of business.

2. *Mr.Narwadkar, learned counsel for respondent no.2 submits that the ample opportunity was given to the petitioner – institution to correct the mistake in the said list, however the petitioner did not correct the same within a period stipulated and only in the month of October, 2021 approached the respondents. The respondent cannot consider the case of the petitioner.*

3. *Aspect whether the mistake is bonafide or not and whether the petitioner can be admitted or not will have to be decided on merits.*

4. *It is submitted that exams are to commence from 15th February, 2022.*

5. *Considering the above, we permit the said student namely Yash Santosh Pakhare to appear for examination of the first year GNM course commencing from 15th February, 2022. The results shall not be declared of the said student without further orders of the Court. The said student shall not also be entitled to claim equity if the Petition is dismissed.*

6. *The said student is permitted to appear for the examination subject to further decision in the present Writ Petition.*

7. *Place the Petition on 24th March, 2022.*

8. *The petitioner shall forward the documents of the said student immediately to the respondent authorities."*

2. There is no dispute that Yash Santosh Pakhare has been rightly admitted to the First Year GNM course for the academic year 2020-2021. Another student by name Joshi Omkar Umakant has also been

admitted. The name of Omkar Joshi was repeated at 2 places on account of a computer mistake. Joshi Omkar had secured admission legitimately and Yash Pakhare had also secured admission legitimately. There is no material before us, on the basis of which this aspect can be disputed, in as much as, the respondents do not have any record to indicate that Yash Pakhare was never admitted legally.

3. It is in these peculiar and unusual circumstances that this Court permitted Yash to pursue the professional Course from the academic year 2020-2021. Based on the orders passed by this Court, the admission of Yash Pakhare was continued and he has appeared for the examinations as per the Schedule. One such last order passed by this Court is dated 11.02.2022 vide which Yash Pakhare appeared for the examinations held from 15.02.2022. His result is yet to be declared.

4. In these facts and circumstances of the case and in view of there being no dispute, the petition is allowed. Yash Santosh Pakhare would be deemed to be an admitted student as per the enrollment list 2020-2021 for the GNM Course. His result for the examination held from 15.02.2022 shall be declared forthwith.

5. If there is no legal impediment and in the event the last date for filling in the examination forms for the examination commencing from 06.12.2022 has not elapsed, Yash Pakhare would be permitted to fill in the form and the applicant/petitioner's school shall be liable to pay the late fees in order to ensure that the form is tendered to respondent No.2 within 10 days from today. He would then appear for the examination commencing from 06.12.2022. Needless to state, since his admission is approved, he would pursue the remainder portion of his academic curriculum and the results of his examination would be declared as per schedule.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)