

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

WRIT PETITION NO.11404 OF 2022

JAI AMBE BHAVANI SHIKSHAN PRASARAK MANDALS JAI AMBE
SCHOOL OF NURSING ANM AND GNM

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

...

Advocate for Petitioner : Mr. C. A. Chandrakant

AGP for Respondent/State: Mr. S. K. Tambe

Advocate for Respondent No.2: Mr. M. D. Narwadkar

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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 29th November, 2022

PER COURT :

1. The petitioner has put forth prayer clauses (B), (C) and (D) as under;

“(B) Issue a writ of certiorari or writ in the nature of certiorari to quash and set aside the communication dated 2.9.2022 issued by the respondent No.2 Board thereby refusing for online enrollment of the students admitted in the petitioner nursing school for ANM and GNM courses with intake of 40 each.

(C) Issue a writ of mandamus or writ in the nature of mandamus to respondent No.2 Board to make online enrolment of the students admitted by the petitioner nursing school for ANM and GNM courses for the academic year 2021-22 with intake of 40 students each and permit the said students to prosecute further study in the said courses.

(D) Pending the hearing and final disposal of this writ petition grant stay to the operation, implementation and execution of the communication dated 2.9.2022 issued by the respondent No.2 Board thereby refusing for online enrollment of the students admitted in the petitioner nursing school for ANM and GNM courses with intake of 40 each.”

2. The petitioner had approached this Court in Writ Petition No.7588/2020 seeking a direction to the Government to permit the petitioner to open a new ANM & GNM Nursing College. By order dated 04.11.2020, this Court directed respondent No.3/Board to consider the applications of the petitioners for opening new Colleges, carry out the inspections and forward the proposals to the Government by 30.11.2020. Thereafter, the State Government was directed to take a decision as regards grant of essentiality certificates to the petitioners by considering its case on its own merits. The decision was to be communicated to respondent no.3 by 20.12.2020.

3. A further petition was filed by the Private Nursing Schools and Colleges, Management Association bearing Writ Petition No.3961/2022. By judgment/order dated 31.03.2022, the Indian Nursing Council was directed to extend the cut-off date for admission till 07.04.2022 upto 11:59 p.m. Finally, the petitioner was granted permission to start the ANM/GNM College at 6:00 p.m. on 07.04.2022.

4. At this juncture, the learned advocate for the petitioner submits, on instructions, that the petitioner desires to withdraw this petition and approach respondent no.2/Maharashtra State Board of Nursing and Paramedical Education, to consider the case of the petitioner sympathetically.

5. In view of the above, this petition is disposed off as withdrawn as the petitioner desires to approach respondent no.2.

6. Needless to state, respondent no.2, if presented with any representation, would consider the case of the petitioner, within the frame work of law.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)