

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.9591 OF 2021

Sahara Institute of Nursing Education of
Shree Sant Shiromani Namdev Maharaj
Charitable Trust

... Petitioner.

V/s.

Maharashtra State Board of Nursing and
Paramedical Education & Another

... Respondents.

Mr. Sandeep R. Waghmare for the Petitioner.

Mr. N. K. Rajpurohit, AGP for the Respondent-State.

Ms. Shana N. Khan for Respondent No.1.

**CORAM : NITIN JAMDAR AND
AMIT B. BORKAR, JJ.**

**DATE : 6 JANUARY 2022.
(Through Video Conferencing)**

P. C. :

The Petitioner has sought the following prayer clause (a):

"(a) That this Hon'ble Court may be pleased to issue a writ of mandamus thereby directing the Respondent No.1 to forthwith accept proposal dated 28/7/2019 (Exh.-I hereto) and grant approval for increase in intake capacity from 20 to 100 seats for ANM and GNM Courses from academic year 2021-22 without insisting approval of the Respondent No.2 and permit the Petitioner to grant admissions to the students

in additional intake of 80 students for ANM and GNM Courses from academic year 2021-22."

2. Nowhere in the written communication the Respondent No.1 has stated that approval of Respondent No.2-State of Maharashtra is necessary nor the Petitioner has pleaded any specific instance where Respondent No.1 has taken this stand. In absence of any such action being taken, the issue raised by the Petitioner is academic.

3. Respondent No.1-Institute will have to proceed to process the proposal of the Petitioner, as would be done in any other case, as per law. If the approval of the State Government is necessary for finalization then the Petitioner should be communicated with the said fact and upon such fact being communicated to the Petitioner there would be a cause of action for the Petitioner.

4. With this observation, writ petition is disposed of.

(AMIT B. BORKAR, J.)

(NITIN JAMDAR, J.)