

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO.886 OF 2022

Shubham Shikshan Sanstha & another –Petitioners

vs.

Maharashtra State Board of Nursing &
Paramedical Education. –Respondent

Mr. K.S. Chiwarkar, Advocate for the Petitioners.
Mr. M.M. Sudame, Advocate for the Respondent sole.

**CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.**

DATE : 21 FEBRUARY 2022

P. C. :

Heard the learned Counsel for the Parties.

02] The Petitioner-Institute has sought direction in respect of one student viz. Ku. Namrata Santosh Humne that this student be permitted to appear for first year regular examination conducted by the Board of Nursing and Paramedical Education for the academic year 2020-21, which is scheduled to commence from tomorrow, the 22 February 2022.

03] The various issues would arise for adjudication, such as, whether the student, who is not the Petitioner, was admitted within the intake capacity or above it. What is the link error that the

Petitioners have stated, had occurred and why only one student had this link error problem. In the petition, the particulars regarding the link error are not given. More particularly, when other 19 students seem to have had no difficulty. The learned Counsel for the Respondent is right in contending that the Board will have to be careful that ineligible student is not being pushed through by the Institute citing urgency. The learned Counsel submitted that the examination schedule is at advanced stage and the examination is starting from tomorrow. The learned Counsel for the Respondent also states that supplementary examination is scheduled in April 2022 and the students can appear in the examination subject to verification by the Respondent and the students will not be prejudiced. The learned Counsel for the Petitioners submitted that this clarification be given.

04] The Respondent will examine the case of the student as projected by the Petitioners and communicate the outcome to the Petitioners and the student expeditiously. So that, if this student is entitled to appear for the examination, she can appear in the April 2022 examination and if not, to take recourse to the legal action.

05] With these observations, the writ petition is disposed of.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]