

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3117 OF 2020

Arpit s/o Shailesh Jadhav,
aged about 19 years, occupation :
student, resident of 1, Sai-kripa
Apartments, Ashadeep Society,
Dabha Wadi, Nagpur.

... Petitioner

- Versus -

- 1) Maharashtra University of Health
Sciences, Dindori Road, Mhasrul,
Nashik-422004, through its Registrar.
- 2) The Admission Regulatory Authority,
through its competent Authority,
Fort, Mumbai – 32.
- 3) Sumanbai Wasnik Institute of Nursing
through its Director, Dabha,
Nagpur – 440023.

... Respondents

Shri A. Parchure, Advocate for petitioner.

Shri A. Deshpande, Advocate for respondent no.1.

Shri N.A. Gaikwad, Advocate for respondent no.2.

Shri R.M. Vaidya, Advocate for respondent no.3.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : JANUARY 7, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Heard Shri Parchure, learned Counsel for the petitioner, Shri Deshpande, learned Counsel for the respondent no.1, Shri Gaikwad, learned Counsel for the respondent no.2, and Shri Vaidya, learned Counsel for the respondent no.3.

2) Rule, returnable forthwith. Heard finally by consent of the learned Counsel for the parties.

3) It is not in dispute that the eligibility condition, which required an outside student to have cleared X and XII Standard examinations from the State of Maharashtra, was relaxed later on from the academic year 2021-22 and as a result of which, from the academic year 2021-22 and onwards all outsiders, who have not cleared X or XII Standard examination or both from the State of Maharashtra became eligible for securing admission to B.Sc. Nursing Course through Institutional quota.

4) Such relaxation of eligibility condition for the subsequent academic year clearly shows that such relaxation could also have been granted to the similarly situated students, who had taken

admission to the B.Sc. Nursing Course through Institutional quota during the previous years. It would have been a different case if fresh admissions had been sought by giving retrospective effect to the relaxation so made. But such is not a case here. This is a case where the petitioner was already admitted to the B.Sc. Nursing Course through Institutional quota and now the petitioner has also appeared in the second year examination. At this stage, as noted by us in our earlier order dated 2/9/2021, if no relaxation is granted, it would cause an irreparable loss to the academic career of the petitioner and it would also cause loss to the student, who otherwise would have been admitted to the B.Sc. Nursing Course had the petitioner at the inception itself been denied admission. So the loss, which is going to occur in this case, is not only individualistic, but it is also Institutional and societal. To prevent such loss from occurring, it is necessary for this Court to exercise its extra-ordinary writ jurisdiction invoking Article 226 of the Constitution of India to issue necessary directions in the matter. As noted by us, the condition in question is not something, which from the view point of the Authority, which prescribes the condition, is inflexible and non relaxable in any circumstances. Of course, respondent no.2, as submitted by its learned Counsel, is not the Authority, which has stipulated this condition and the Authority is the Director, Medical

Education and Research and, therefore, respondent no.2 could have hardly done anything in this case. This is another reason why we have decided to invoke our extra-ordinary writ jurisdiction in this petition.

5) In the result, we allow the petition in terms of its prayer clauses (i) and (ii). We direct that the admission of the petitioner to B.Sc. Nursing Course be regularised and his result of second year examination be declared. Rule is made absolute accordingly. No costs.

JUDGE

JUDGE

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