

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

WRIT PETITION NO.1618 OF 2023

**JAN KALYAN VIKAS MANDAL THROUGH ITS
PRESIDENT NARAYANKALBA GAIKWAD
VERSUS
MAHARASHTRA STATE BOARD FOR NURSING AND
PARA MEDICAL EDUCATION THROUGH ITS DIRECTOR**

...
Advocate for the Petitioner : Shri Deshmukh Sachin S.
Advocate for Respondent 1 : Shri Narwadkar Mrigesh D.
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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 06th April, 2023

Per Court :-

1. We have heard the learned Advocates for the respective sides. We have perused the affidavit in reply filed on behalf of Respondent No.1/ Board.

2. It emerges from the record that the Petitioner was refused permission to start a new General Nursing and Midwifery (GNM) College at village Kharab Khandgaon, Taluka Mukhed, District Nanded, on account of various deficiencies, more particularly, serious deficiencies in the nature of there being no clinical facility available and not a single affiliated hospital.

With such glaring deficiencies, no nodal body could have granted permission to start a college.

3. The learned Advocate for Respondent No.1/Board submits that the perspective plan would expire with the end of academic year 2022-2023. A new perspective plan would be prepared by the Government and based on the same, the applications could be invited. With the expiry of the perspective plan for the earlier period, Respondent No.1/Board cannot consider the request of the Petitioner for reassessment of the earlier proposal forwarded.

4. The learned Advocate for the Petitioner has strenuously canvassed that the earlier proposal itself be considered as being the proposal tendered under the new perspective plan or the same proposal be considered for starting a new college as per the earlier perspective plan.

5. We are unable to accede to either of the requests made by the Petitioner for reasons more than one. Firstly, expiry of the perspective plan leads to preparation of a new perspective plan whereunder the need to start a new college is considered. For all purposes, a new perspective plan would enable the Government and the Board to consider the permissions to be

granted for starting new courses or colleges. Secondly, until the new perspective plan is declared, the present proposal, which has been rejected for glaring deficiencies, cannot be considered as it would be a decision in speculation.

6. In view of the above, **this Writ Petition is disposed off** with liberty to the Petitioner to apply afresh as per the new perspective plan by following the due procedure laid down in law. The competent authorities would consider such proposal of the Petitioner in accordance with the perspective plan, rules and policies applicable.

7. We make it clear that we have not expressed any opinion in favour of the proposal of the Petitioner.

8. In the event of there being an exemption to the minority institution from the perspective plan, the proposal tendered by the Petitioner would be considered in accordance with the rules and policies applicable, in the next academic year.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)