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

**3 WRIT PETITION NO.8613 OF 2023
WITH CA/12884/2023 IN WP/8613/2023**

**ARUN NANASAHEB KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Mr V. D. Hon, Senior Advocate i/b Mr A. V. Hon, Advocate for
Petitioners;

Mr V. D. Sapkal, Senior Advocate i/b Mr A. V. Deshmukh, A.G.P.
for Respondent No.1

Mr S. B. Deshpande, Senior Advocate i/b Swapnil Joshi and S. S.
Patunkar, Advocates for J.P. Legal Associates for Respondent
Nos.2 and 3

Mr N. R. Shaikh, Advocate for Respondent/Applicant/Intervenor
in CA/12884/2023

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 23rd October, 2023

PER COURT:

1. The learned Senior Advocates Shri V. D. Hon and Shri. S. B. Deshpande, as also the learned Advocate for the Applicant in Civil Application No.12884/20023 Shri. Naseem R. Shaikh, agree that on 15/09/2023, when this Court (Coram : Devendra Kumar Upadhyaya, C.J. and Arun R. Pednekar, J.) were hearing this Writ Petition, Shri. Shaikh, the learned Advocate had moved an oral request on behalf of one Shri. Jibin Theerthakkuzhi

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Chhalil, for intervention. The learned Advocates concede that, the learned Bench had expressed a view that, the Applicant has no locus and was informed that, if he has any grievance, he would file a separate proceeding.

2. Shri. Shaikh, the learned Advocate submits today that, Civil Application No.12884/2023 may be disposed off, since the Applicant desires to initiate an independent proceeding.

3. In view of the above, **Civil Application No.12884/2023 stands disposed off**, as the Applicant desires to initiate an independent proceeding.

4. We have heard the present Writ Petition for quite sometime. There are several issues, which will have to be considered, by setting down this matter for final hearing. Keeping in view that the Diwali Vacations are round the corner and the daily board is touching 350 to 400 matters, it would not be possible to take this matter for final hearing at admission stage, since this would truncate the 'fresh admissions' and 'urgent admissions' board.

5. The learned Senior Advocates appearing alongwith the learned Advocates on record for the respective sides and the

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learned A.G.P., are agreeable for a final hearing at admission stage, on 29/11/2023 at 2.30 p.m.

6. Considering that the elected body has been unseated by the impugned order, invoking Section 40 of the Maharashtra Nurses Act, 1966 and the Maharashtra Nursing Council Rules of 1971 framed thereunder, we are of the view that, an equitable order needs to be passed, so as to ensure that during the pendency of this proceeding, neither the Petitioners, nor the Administrator, who has been appointed, find their rights and duties to be affected.

7. In the above backdrop, we direct that elections to the positions held by the Petitioners, who are the erstwhile elected members of the Maharashtra Nursing Council, should not be filled in by conducting fresh elections. The day-to-day activities of the Nursing Council would be performed by the Administrator. In the event, a policy decision is required to be taken and which is likely to affect the rights of these Petitioners, the Council, through its Administrator would be at liberty to seek leave of this Court for taking any such decision.

(Y. G. KHOBRADE, J.)

sjk

(RAVINDRA V. GHUGE, J.)