

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1010 of 2023

Bahu Uddeshiya Seva and Prashikshan Samiti,
Nagpur, through its Secretary,
Office at Om Shri Sai Dharmarth Dawakhana,
Shanti Nagar, Lal Nagar, Nagpur

..... **PETITIONER**

...VERSUS...

1. State of Maharashtra through its Secretary,
Department of Medical Education and Drugs,
Mantralaya, Mumbai-32.
2. Maharashtra State Board of Nursing and
Paramedical Education, through its Director,
Government Dental College and Hospital Building,
4th floor, St.Georges Hospital Area,
P.D'mellow Road, Fort, Mumbai-400 001

..... **RESPONDENTS**

Shri Kalyan Chiwarkar, Advocate for petitioner.
Shri K.L.Dharmadhikari, Assistant Government Pleader for respondent no. 1.
Shri M.M.Sudame, Advocate for respondent no.2.

CORAM :- SUNIL B. SHUKRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 14.02.2023

ORAL JUDGMENT (Per SUNIL B. SHUKRE, J.)

Heard Shri Kalyan Chiwarkar, learned counsel for the petitioner,
Shri K.L.Dharmadhikari, learned Assistant Government Pleader for

respondent no.1 and Shri Mohan Sudame, learned counsel for respondent no.2.

Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. Insofar as the issue of power of the State Government under Section 28(5) of the Maharashtra State Board of Nursing and Paramedical Education Act, 2013 (for short, the Act of 2013) is concerned, the issue is squarely covered by the view taken by the Co-ordinate Bench of this Court in the case of *Sanvi Bahuuddeshiya Shikshan Sanstha vs. State of Maharashtra and others in Writ Petition No.5991 of 2022* decided on 10.01.2023 with connected writ petitions. The learned counsel for the petitioner lays emphasis upon the need for the State Government to exercise its discretion in the matter, in the light of power conferred upon it under Section 28(5) of the Act of 2013.

3. Considering the fact that the issue involved in this petition is covered by the view taken by the Co-ordinate Bench in the case of *Sanvi Bahuuddeshiya Shikshan Sanstha* (supra), we see no difficulty in disposing of the writ petition on similar lines as has been done in *Sanvi Bahuuddeshiya Shikshan Sanstha* (supra).

4. The writ petition is allowed. We direct the State Government to consider the proposal of the petitioner for grant of permission to start GNM course for the next academic session and take its decision in the light of the proviso to sub-section (5) of Section 28 of the Act of 2013, keeping in mind all the relevant parameters, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of writ of this Court. The State Government is further directed to take a decision in the matter notwithstanding the rejection of the proposal of the petitioner by respondent no.2 as per its order dated 31.01.2022.

Liberty is granted to the petitioner to place before the State Government copy of the proposal and all relevant documents for their due consideration and appropriate decision thereon.

Rule is made absolute in aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(SUNIL B. SHUKRE, J.)

Andurkar..