

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

WRIT PETITION NO.6702 OF 2022

Pawan Bahu-Uddeshiya Shikshan Va Samajik
Vikas Sanstha through its Secretary,
Plot No.34, Vaibhav Laxmi Nagar, Shanti Nagar
Square, Vayfad Road, Umri Meghe,
Wardha.

..... **PETITIONER**

...VERSUS...

1. State of Maharashtra, through its
Secretary, Medical Education & Drugs
Department, Mantralaya, Mumbai-32.
2. Maharashtra State Board of Nursing And
Paramedical Education, through its
Director, Government Dental College
And Hospital Building, St. Georges
Hospital Campus, Fort, Mumbai-01. **RESPONDENTS**

Mr. Anand Parchure, Advocate for Petitioner.
Mrs. K. S. Joshi, Additional Government Pleader for
Respondent 1/State.
Mr. M. M. Sudame, Advocate for Respondent 2.

CORAM: **ROHIT B. DEO AND Y. G. KHOBRAGADE, JJ.**
DATE: **16th JANUARY, 2023.**

ORAL JUDGMENT: (PER Y. G. KHOBRAGADE, J.)

We have heard the learned counsel Mr. Anand
Parchure for the petitioner, the learned Additional Government
Pleader Mrs. K. S. Joshi for the respondent 1/State and the

learned counsel Mr. M. M. Sudame for the respondent 2.

2. The grievance of the petitioner is that the petitioner – society enrolled with the respondent 2 – Maharashtra State Board of Nursing and Paramedical Education (Board) for the year 2021-22 and admitted the students on 07.04.2022 after the State Government extended admission date. The respondent 2 regulating education under the Indian Nursing Council Act, 1947 and as per Auxiliary Nursing and Midwifery (ANM) / General Nursing and Midwifery (GNM) nursing programme. After the completion of course, the respondent 2 likely to conduct examination which start from 17.01.2023. However, the respondent 2 did not allow the petitioner to enroll its students only on the ground that the entire course has not been completed.

3. According to the petitioner upon issuance of Government Resolution dated 07.04.2022 in its favour, the respondent 2 granted affiliation for the year 2021-22 and inducted 20 students for ANM and 60 students for GNM. Therefore, it is the duty of the respondent 2 to enroll and to admit all students for examination. Though the petitioner to make attempt to get the students enrolled on online web-portal with the respondent 2, but

did not allow the petitioner to enroll its students on the ground that the petitioner – society failed to upload information about admitted students on 07.04.2022 before 11:59 p.m.

4. The petitioner filed additional affidavit and stated that as per communication dated 19.05.2022, all Nursing Institutions including the petitioner – society called for physical verification of documents of the admitted students and said information already uploaded on the website of the respondent 2 and after physical verification on 18.08.2022 and 25.08.2022, courses for ANM-20 and GNM-60 started. It is canvassed that the students, who have been admitted with the petitioner – society could not upload the documents of admitted students because of the respondent 2 closed its website. Therefore, the respondent 2 did not issue admission card in favour of the petitioner.

5. Mr. Sudame, the learned counsel appearing for respondent 2 placed on record notification dated 21.12.2022 and stated that the respondent 2 decided to conduct examination of students if minimum attendance of INC syllabus completed during the academic session and examination of those students as a separate/irregular batch would be taken within the academic year.

The learned counsel appearing for the respondent 2, on instructions, orally made a statement that in the month of March, 2023 the examination of special batch of the petitioner – society would be conducted and their results would also be declared. The said statement is accepted by this Court. Therefore, considering the nature of grievance of the petitioner, it would be just and proper to dispose of the present petition with the following directions:

- [i] The order dated 09.01.2023 is modified in view of the fair statement made by the learned for respondent 2 that the students of the petitioner – society shall be considered as irregular batch and an examination shall be held for them in the month of March, 2023.
- [ii] We may record that the learned counsel for the petitioner Mr. Anand Parchure has no objection if the examination is held in March, 2023, positively and the students of the petitioner – society are permitted to appear as irregular batch.

[iii] The petition is disposed of.

(Y. G. KHOBRADE, J.)

(ROHIT B. DEO, J.)

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