

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

WRIT PETITION NO.6362/2022

Young Engineers Education Society
Kurkheda, through its President Shri
Devendra S/o Morari Pise, Aged about 55 Yrs.,
At Post Kurkheda, Dist. Gadchiroli. ... Petitioner

- Versus -

1. The State of Maharashtra,
through its Secretary, Department of
Medical Education & Drugs Department,
9th Floor, G.T. Hospital, Sankul,
Lokmanya Tilak Marg, Mumbai,
400 001.
2. Maharashtra State Board of Nursing
and Paramedical Education,
through its Registrar, 4th Floor, St. George's
Hospital Compound, P. D'Melo Road,
Near CSMT, Mumbai 400 001.
3. Director of Medical Education and Research
and Nursing Board,
4th Floor, St. George's Hospital Compound,
P. D'Melo Road, Near CSMT,
Mumbai 400 001. ... Respondents

Mr. Zeeshan Z. Haq, Counsel for the Petitioner.
Mr. N.S. Rao, Assistant Government Pleader for Respondent
No.1.
Mr. M.M. Sudame, Counsel for Respondent No.3.

CORAM: ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.

DATE : 27.4.2023

ORAL JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. The petitioner is a society and Public Trust registered under the provisions of the Societies Registration Act, 1860. The society was granted permission to start an Auxiliary Nursing Midwifery School with annual intake capacity of 20 students at (i) Sadhana Nursing Centre, Armori Road, Brahmapuri, Chandrapur and at (ii) Laxmi Nursing and Training Centre Kurkheda, Gadchiroli, by the State Government vide Essentiality Certificate dated 30.1.2010. The schools were running uninterruptedly at Sadhana Nursing Centre, Armori Road, Brahmapuri and Laxmi Nursing and Training Centre Kurkheda, Gadchiroli.

3. The students who were taking education in said institutions are from tribal area and are completely dependent on the education obtained from the petitioner run institutions to get employment for a safe and stable future.

4. After 31.1.2018 the State Government implemented the Maharashtra State Board of Nursing and Paramedical Education Act, 2013 and Nursing Board was constituted. Prior to constitution of Board the petitioner's nursing schools were affiliated to Maharashtra Nursing Council and after Board was constituted, despite repeated requests Nursing Board did not affiliate the schools and did not enrol the students.

5. By order dated 12.10.2022 interim relief was granted and it was directed that the students of the academic sessions 2021-2022, who have already completed A.N.M. course, be provisionally permitted to appear for the forthcoming examination scheduled w.e.f. 1/11/2022. It was also directed that

their results should not be declared without permission of the Court. In view of this, the students had appeared in the examination and their result is kept withheld. In so far as the other students are concerned, result is declared in the month of January 2023. The students have to pursue the second year A.N.M. course for which the result of examination is necessary to be declared as they have to be enrolled so as to seek scholarship from Tribal Welfare Department and Social Welfare Department. Students admitted in Laxmi Nursing School for the year 2022-2023 in first year A.N.M. course are also required to be enrolled. In the absence of affiliation of school new admissions are also not being recognized.

6. Heard both the learned counsel.

7. At the time of hearing, the petitioner has stated that coordinate Bench of this Court has passed the order in identical case being Writ Petition No.905/2021 (Pragati Adiwasi Gramin

Vikas Sanstha V/s. State of Maharashtra and others). In the said petition, it is observed that in view of Government Resolution dated 13.7.2018 and as per the provisions of the Maharashtra State Board of Nursing and Paramedical Education Act, 2013, the State Board will be competent to grant affiliation/continuation after following due procedure and where permission is already granted, fresh or new permission is not required.

8. The institution has been continuing to impart education in the A.N.M. course and the result of the students are being declared pursuant to the interim orders. In these facts and circumstances, as respondent 1 has stated that the said State Board will be competent to grant affiliation or continuation of affiliation, it is directed that respondent 3 State Board shall consider the entire material placed on record after inspecting institutions and grant provisional affiliation and thereby take decision to continue the affiliation from the year 2014 and such decision shall be taken within a period of four weeks from today.

If necessary the institutions to comply with other formalities noticed by the Board. The Results are already declared in view of order dated 15.03.2023 and direction was given to continue the students in the next academic year provisionally and directed to continue to enrol the students subject to the result of this petition. It is informed that the result have been declared but the mark-sheets have not been issued to the concerned students. The Board shall do the needful in this regard.

9. With these observations, the writ petition is disposed of. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)