



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

CIVIL APPLICATION (CAW) NO.3245/2023
IN
WRIT PETITION NO.1476/2021

Dr. Keshav Baliram Hedgewar Paryayi Shiksha Mandal, Wardha through its
Main Trustee Amol Ajay Shrivastav

...Versus...

The State of Maharashtra, through Principal Secretary, Medical Education and
Drugs Department, Mumbai and another

WITH
CIVIL APPLICATION (CAW) NO.3263/2023
IN
WRIT PETITION NO.5477/2021

Dr. Keshav Baliram Hedgewar Paryayi Shiksha Mandal, Wardha through its
Main Trustee, Amol Ajay Shrivastav

...Versus...

The State of Maharashtra, through Principal Secretary, Medical Education and
Drugs Department, Mumbai and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. Pritesh Atkar, Advocate for petitioner
Mrs. K.R. Deshpande, AGP for respondent no.1
Mr. A.M. Sudame, Advocate for respondent no.2

CORAM : AVINASH G. GHAROTE AND
URMILA JOSHI-PHALKE, JJ.

DATE : 06/11/2023

1. Both these applications are on behalf of the petitioner/Institute, seeking to permit the eligible students to appear in the second year General Nursing and Midwifery (GNM) examination, commencing from tomorrow.

2. There is no dispute regarding the eligibility of the students to the nursing course. They have been permitted to appear for the first year by this Court and the results have also been declared. Though the eligibility of the students to appear for the second year examination is being disputed by Mr. A.M. Sudame, learned counsel for the respondent no.2/Board, however, considering that the examinations are starting from tomorrow and the petitions are only in respect of the applications of the petitioner/Institute that too on the ground of the inspection conducted, which found certain deficiencies, which were cured and inspection report was sent by the respondent no.2/Board to the State of Maharashtra, the question involved is whether the State has power to conduct the inspection.

3. Already permission has been granted by this Court by order dated 16/10/2023, in this very petition, to the students to appear in the third year examination on conditions as contained in para nos.3 and 4 therein and considering the peculiar situation and the possibility of wastage of the entire year of the students, we permit the students to appear in the GNM examination to be held from tomorrow onwards. The condition nos.3 and 4, as contained in the order dated 16/10/2023, will form a part and parcel of this order. The respondent no.2/Board will make all arrangements for appearing the students in the examination.

4. The civil applications are accordingly disposed of. No order as to costs.

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AND

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1. List the petitions on 05/12/2023 for final consideration along with connected matters.
2. Steno copy of this order is granted.

(URMILA JOSHI-PHALKE, J.)

(AVINASH G. GHAROTE, J.)

Wadkar