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

WRIT PETITION NO. 2996 OF 2024

**MANGALA INSTITUTE OF NURSING EDUCATION THROUGH ITS
PRESIDENT**

....Petitioner

VERSUS

**THE REGISTRAR MAHARASHTRA STATE BOARD OF NURSING
AND PARAMEDICAL EDUCATION**

.....Respondent

.....

Advocate for the Petitioner : Mr. Amarsinha Dharmaraj Sonkawade

Advocate for respondents : Mr. M.D. Narwadkar.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.**

DATE : 18th MARCH, 2024.

P.C. :-

1. This petition is filed by the management for following relief :-

“[B] Issue a writ of mandamus and writ in the like nature directing the respondent to accept the examination form of 3 students and examination fees of 11 students for the 3rd year General Nursing and Midwifery course and permit the students from the petitioner institution to appear for the examination of 3rd year General Nursing and Midwifery Course which is scheduled from 19.03.2024.”

2. Learned Advocate Mr. Narwadkar, waives notice for the respondent.

3. The petitioner has contended that the petitioner runs the institution of Nursing education. The scheduled date for submission of examination form of 3rd Year General Nursing and Midwifery Course, was between 6.2.2024 to 21.2.2024 and with late fees, it was till 28.2.2024.

4. The petitioner had submitted examination forms of 11 students. But due to some technical problems, the examination fees of those students could not be paid on the website and in respect of 3 students, the examination forms and fees could not be deposited/filed. The examination is scheduled to commence from 19.3.2024. The petitioner contends that the petitioner has employed a new clerk, who was not conversant with the entire process. When it was realized that the fees and forms of those students has not been deposited/filed, the petitioner had sent e-mail to the respondent for opening the portal for payment of fees. However, it was rejected, hence the present petition.

3. The learned advocate for the respondent, on instructions, submit that sufficient opportunity was given to the petitioner. The Schedule was from 6.2.2024 to 21.2.2024 and with late fees, it was till 28.2.2024. Even the first response from the petitioner was on 4.3.2024 to open the portal and on the same day, that e-mail was replied. Still, present petition has been filed on 15.3.2024, which is belated. It will be now a difficult situation since the examinations would commence from tomorrow.

4. As regards the 3 students, who have not even filled up the forms and in respect of whom, fees has not been paid, this Court may not help them, when it is said on behalf of the petitioner that the entire schedule in respect of the examination was displayed on the notice board. In view of the fact that these are the Third Year Students and some might be repeaters, filling up the forms has to be by the students. Therefore, as regards those 3 students are concerned, the petition will have to be dismissed since the examinations are scheduled to commence from tomorrow.

5. However, as regards other 11 students are concerned, they have already filled up their forms and it is only because of examination fees in respect of them was not deposited, the respondent can be asked to take fees now from the petitioner (even off line).

6. We are more concerned with the career of those 11 students who examination forms are filled up. Certainly, it was the management who was at fault. The concerned authority i.e. President or Principal of the institution ought to have checked, whether the forms are filled up in time of schedule alongwith examination fees. Now, since directions to open the portal will not be the only good option, asking the respondent No.2 to take examination fees off-line, as an alternative mode, would be in the interest of the students. Therefore, in these peculiar circumstances, the **petition is partly allowed**, with following directions :-

[a] The petitioner management shall deposit cost of Rs. 5,000/- per student i.e. for 11 students (whose names are given on page-26 in typed format) with the respondent alongwith

examination fees and late fees, as prescribed in respect of those 11 students;

[b] The said amount shall be deposited from the account of the petitioner/college and none of the students would be compelled to contribute for depositing the said amount;

[c] The respondent can temporarily make the Portal available for deposit of the examination fees, with late fees or in the alternative may accept the amount off-line from the petitioner, as directed;

[d] Since this order has been dictated in open Court in the presence of the learned advocates for the respective sides, the parties shall act accordingly without waiting for the order to be uploaded on the official web-site of the Bombay High Court;

[e] If requisite fees is received from the petitioner, the respondent to make arrangements to enable the 11 students to appear for the examinations scheduled from tomorrow, by issuing Admit-Cards on-line

[f] Writ petition stands disposed of in above terms. Authenticated copy allowed.

[S.G. CHAPALGAONKAR, J.] [SMT. VIBHA KANKANWADI, J.]

grt/-