

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5697 OF 2025

1. Nandini Prakash Ingawale)
Age: 19 years, Occu. Student,)
C/o. Prakash Shivaji Ingawale,)
Dhawar, Kurul, Alibag, Dhawar,)
Raigad 402 201)

2. Om Mayur Koli,)
Age: 18 years, Occu:- Student,)
Residing at Borli, Raigarh 402 202)Petitioners

Versus

1.The State of Maharashtra,)
Through its Department of Medical)
Education And Drugs,)
Mantralaya, Mumbai – 400 032)

2. Maharashtra State Board of Nursing and)
Paramedical Education, Directorate of)
Medical Education and Research, 4th Floor,)
St. Georges Hospital Campus,)
P. D'Melo Road, Fort, Mumbai – 400 001)

3. Nootan School of Nursing,)
Through its Principal,)
Taluka- Nadgaon, District - Murud)

4. Indian Nursing Council)
8th Floor, NBCC Center, Plot No.2)
Community Center, Okhla, Phase -I,)
New Delhi 110 020)Respondents

AND

WRIT PETITION NO. 11866 OF 2025

1.Priyanka Tukaram Kole)
Age: 26 years, Occupation : Student,)
Residing at- Near Santh Nirankari Mandir,)
Balaji Nagar Power House, Bhosari, Pune)

2. Balaji Navnath Maske)
 Age: 29 years, Occupation: Student)
 Residing at Post – Sonwala,)
 District – Beed, Maharashtra – 431 517)Petitioners

Versus

1.The State of Maharashtra,)
 Through its Department of Medical)
 Education And Drugs, Mantralaya,)
 Mumbai – 400 032)
 2. Maharashtra State Board of Nursing and)
 Paramedical Education, Directorate of)
 Medical Education and Research, 4th Floor,)
 St. Georges Hospital Campus,)
 P. D’Melo Road, Fort, Mumbai – 400 001)
 3. Indian Nursing Council)
 Having office at 8th Floor, NBCC Center,)
 Okhla, Phase -I, New Delhi 110 020)
 4. Vaishnodevimata Nursing College,)
 Through its Principal)
 Beed, Taluka Beed, Maharashtra) ... Respondents

**WITH
 INTERIM APPLICATION NO. 10976 OF 2025
 IN
 WRIT PETITION NO. 5697 OF 2025**

Maharashtra State Board of Nursing And)
 Paramedical Education,)
 Directorate of Medical Education and)
 Research, 4th Floor, St. Georges Hospital)
 Campus, P. D’ Mello Road, Fort,)
 Mumbai 400 001)Applicant

IN THE MATTER BETWEEN

1. Nandini Prakash Ingawale)
 Age. 19 years, Occ. Student,)

C/o. Prakash Shivaji Ingawale,)
 Dhawarm Kurul, Alibag,)
 Dhawar, Raigad 402 201)

2. Om Mayur Koli,)
 Age. 18 years, Occ. Student)
 R/at. Borli, Raigad 402 202) ... Petitioners

Versus

1. The State of Maharashtra)
 Through its Department of Medical)
 Education and Drugs Department,)
 Mantralaya, Mumbai – 400032)

2. Maharashtra State Board of Nursing and)
 Paramedical Education, Directorate of)
 Medical Education and Research, 4th Floor,)
 St. Georges Hospital Campus, P.D'Mello)
 Road, Fort, Mumbai 400001)

3. Nootan School of Nursing)
 Through its Principal,)
 Taluka – Nadgaon, Dist. Murud)Respondents

AND
WRIT PETITION NO. 7574 OF 2025

Makandar Mustakim Miraso)
 Age: 21 years, Occu: Student,)
 Residing at, Dhamane Galli,)
 Malgaon, Sangli) ... Petitioner

Versus

1. The State of Maharashtra,)
 Through its Department of Medical)
 Education And Drugs, Mantralaya,)
 Mumbai – 400 032)

2. Maharashtra State Board of Nursing and)
 Paramedical Education, Directorate of)
 Medical Education and Research, 4th Floor,)
 St. Georges Hospital Campus,)

P. D'Melo Road, Fort, Mumbai – 400 001)
 3. Dr. Kullolli Institute of Nursing)
 Through its Principal, Kore Universal,)
 Vishrambag, Sangli 416 415)
 4. Indian Nursing Council,)
 8th Floor, NBCC Center, Plot No.2,)
 Community Center, Okhla, Phase -I,)
 New Delhi 110 020) ... Respondents

AND
WRIT PETITION NO. 12431 OF 2025

1. Vaishali Gautamrao Sardar)
 Age- 31 years, Occupation- Students)
 Residing at – near Hanuman Mandir,)
 VMV Road, Taluka and District – Amravati,)
 Maharashtra – 444 604)
 2. Priti Sharad Kharate)
 Age- 34 years, Occupation -Student)
 Residing at Gopal Nagar, Sai Nagar)
 Taluka and District – Amravati,)
 Maharashtra – 444 604)
 3. Prangalli Prakash Gawai)
 Age: 30 years, Occupation : Student)
 Residing at- Mahatma Pule Nagar,)
 VMV Road, Taluka and District – Amravati)
 Maharashtra – 444 604)
 4. Mayur Motiram Kudve)
 Age-26 years, Occupation -Student)
 Residing at- Danapur,)
 Taluka and District – Amravati – 444 904) ... Petitioners

Versus

1. The State of Maharashtra)
 Through its Department of Medical)
 Education And Drugs, Mantralaya,)
 Mumbai – 400 032)
 2. Maharashtra State Board of Nursing and)
 Paramedical Education, Directorate of)

Medical Education and Research, 4th Floor,)
 St. Georges Hospital Campus, P. D' Melo)
 Road, Fort, Mumbai – 400 001)
 3. Indian Nursing Council)
 Having office at 8th Floor, NBCC Centre,)
 Okhla Phase-I, New Delhi – 110 020)
 4. Aheman College of Nursing,)
 Through its Principal,)
 Near Government Rest House, Chikhaldara,)
 Taluka- Chikhaldara, District- Amravati,)
 Maharashtra – 444 807) ... Respondents

AND
WRIT PETITION (ST.) NO. 18156 OF 2025

Kale Sangram David)
 Age: 36 years, Occu: Student,)
 Residing at, Plot No. 32, Kadamwadi Road,)
 Subhadranagar Tower, Park Colony,)
 Karvir, Kolhapur 416 003) ... Petitioner

Versus

1. The State of Maharashtra)
 Through its Department of Medical)
 Education And Drugs, Mantralaya,)
 Mumbai 400 032)
 2. Maharashtra State Board of Nursing and)
 Paramedical Education, Directorate of)
 Medical Education and Research, 4th Floor,)
 St. Georges Hospital Campus, P. D' Melo)
 Road, Fort, Mumbai – 400 001)
 3. Dr. M.I. Momin Institute of Nursing)
 Education, Through Its Principal Pratap)
 Chowk, Kolhapur)
 4. Indian Nursing Council,)
 8th Floor, NBCC Center, Plot No.2,)
 Community Center, Okhla Phase I,)
 New Delhi – 110 020) ... Respondents

AND

WRIT PETITION NO.8987 OF 2025

Om Bhagwan Shinde)
 Age: 19 years, Occu: Student)
 Residing at Taradgaon)
 Satara, Maharashtra 415 528) ... Petitioner

Versus

1.The State of Maharashtra,)
 Through its Department of Medical)
 Education And Drugs, Mantralaya,)
 Mumbai – 400 032)
 2. Maharashtra State Board of Nursing and)
 Paramedical Education, Directorate of)
 Medical Education and Research,)
 4th Floor, St. Georges Hospital Campus,)
 P. D'Melo Road, Fort, Mumbai – 400 001)
 3. Phaltan Education Society,)
 School of Nursing, Padmavati Nagar,)
 Phaltan, Satara, Maharashtra 415523)
 Through its Principal)
 4. Indian Nursing Council,)
 8th Floor, NBCC Center, Plot No.2,)
 Community Center, Okhla, Phase -I,)
 New Delhi 110 020) ... Respondents

AND**WRIT PETITION NO. 5706 OF 2025**

1. Purvaja Pramod More)
 Age: 20 years, Occu: Student,)
 Residing at, Kond Karul, Laxmi Nagar,)
 Adur, Ratnagiri 415 705)
 2. Ashlesha Sudhakar Tandel,)
 Age: 19 years, Occu: Student)
 Residing at – Kharvi Wadi Alikade)
 Vilaneshwar, PO – Welneshwar,)
 Ratnagiri 415 729) ... Petitioners

Versus

1.The State of Maharashtra,)

Through its Department of Medical)
 Education And Drugs, Mantralaya,)
 Mumbai – 400 032)

2. Maharashtra State Board of Nursing and)
 Paramedical Education, Directorate of)
 Medical Education and Research, 4th Floor,)
 St. Georges Hospital Campus,)
 P. D'Melo Road, Fort, Mumbai – 400 001)

3. Devrukh Institute of Nursing)
 Through its Principal)
 Kumbi Bhavan, Mahadik Stop,)
 At post- Devrukh, Taluka- Sangmeshwar,)
 Ratnagiri 415 804)

4. Indian Nursing Council,)
 8th Floor, NBCC Center, Plot No.2,)
 Community Center, Okhla, Phase -I,)
 New Delhi 110 020) ... Respondents

AND
WRIT PETITION NO. 11411 OF 2025

1. Vaishnavi Vinod Adgale)
 Age: 19 years, Occupation : Student)
 Residing at – Ankoli, Post- Sawargaon,)
 Akoli, Latur, Maharashtra - 413 531.)

2. Nikita Sugriv Adgale,)
 Age: 19 years, Occupation : Student)
 Residing at- Ankoli, Post- Sawargaon,)
 Akoli, Latur, Maharashtra – 413 531)

3. Meera Rajendra Waghchaure)
 Age -33 years, Occupation – Student,)
 Residing at Nandgaon Ves. Patel Chowk,)
 Latur 413 512)

4. Priti Sugriv Adgale)
 Age- 23 years, Occupation -Student)
 Residing at- Ankoli, Post- Sawargaon,)
 Akoli, Latur, Maharashtra – 413 531) ... Petitioners

Versus

1. The State of Maharashtra,)
Through its Department of Medical)
Education And Drugs, Mantralaya,)
Mumbai – 400 032)
2. Maharashtra State Board of Nursing and)
Paramedical Education, Directorate of)
Medical Education and Research, 4th Floor,)
St. Georges Hospital Campus,)
P. D'Melo Road, Fort, Mumbai – 400 001)
3. Indian Nursing Council)
Having office at 8th Floor, NBCC Center,)
Okhla, Phase -I, New Delhi 110 020)
4. Kohinoor Institute of Nursing)
Through its Principal, Kohinoor Campus,)
Wasangaon, AUSA Road, Latur,)
Maharashtra – 413 512) ... Respondents

AND
WRIT PETITION NO. 11409 OF 2025

1. Tanuja Prashant Gahukar)
Age: 22 years, Occupation: Student)
Residing at- Post Gurudev Nagar,)
Taluka – Tiosa, Amravati,)
Maharashtra -444 902)
2. Shreya Vinodrao Lande)
Age- 22 years, Occupation – Students)
Residing at – Residing at- Post Mozari)
Taluka – Tiosa, Amravati,)
Maharashtra -444 902)
3. Bhagyashri Ashokrao Aaskar)
Age- 21 years, Occupation – Student)
Residing at Bedhona, Tahasil- Arvi,)
District – Wardha – 442 201)
4. Vibhav Maruti Sontakke)
Age- 21 years, Occupation – Student)
Residing at- Asara, Tahasil- Bhatkuli)
District – Amravati – 444 602) ... Petitioners

Versus

- 1.The State of Maharashtra,)
Through its Department of Medical)
Education And Drugs, Mantralaya,)
Mumbai – 400 032.)
2. Maharashtra State Board of Nursing and)
Paramedical Education, Directorate of)
Medical Education and Research, 4th Floor,)
St. Georges Hospital Campus,)
P. D'Melo Road, Fort, Mumbai – 400 001)
3. Indian Nursing Council)
Having office at 8th Floor, NBCC Center,)
Okhla, Phase -I, New Delhi 110020)
4. Fatema College of Nursing)
Through its Principal)
Near SDH Hospital, Satargaon Road,)
Tiosh, District – Amaravati,)
Maharashtra – 444 903) ... Respondents

AND**WRIT PETITION NO. 11412 OF 2025**

- Rangoli Sagar Gaikwad)
Age: 29 years, Occupation : Student)
Residing at – Kini Naware, Taluka – AUSA,)
Latur, Maharashtra – 413 520)Petitioner

Versus

- 1.The State of Maharashtra,)
Through its Department of Medical)
Education And Drugs, Mantralaya,)
Mumbai – 400 032)
2. Maharashtra State Board of Nursing and)
Paramedical Education, Directorate of)
Medical Education and Research, 4th Floor,)
St. Georges Hospital Campus,)
P. D'Melo Road, Fort, Mumbai – 400 001)
3. Indian Nursing Council)
Having office at 8th Floor, NBCC Center,)

Okhla, Phase -I, New Delhi 110 020)
 4. Kohinoor RGNM Nursing School)
 Through its Principal,)
 Office ; Bus Stand, Municipal Council)
 Complex, 3rd Floor, AUSA, Taluka- AUSA,)
 Latur, Maharashtra – 413 520) ... Respondents

Mr. Pratik Balasaheb Rahade for the Petitioners in Writ Petition Nos.11866/2025, 11411/2025, 11412/2025, 11409/2025 and 12431/2025.

Ms. Sakshi Thombre for the Petitioners in Writ Petition Nos.5706/2025, 5697/2025, 7574/2025, (stamp) no.18156/2025 and 8987/2025.

Ms. Sonali Pawar i/b. Mr. Sandeep Dere for the Applicant in IA/10976/2025 and for Respondent No.2 in all Petitions.

Mr. Ajit Hon for Respondent No.3 in all Petitions.

Mr. P.P. Kakade, Addl. GP a/w. Mr. V.G. Badgujar, AGP and Mrs. G.R. Raghuwanshi, AGP for the Respondent – State in all Petitions.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

RESERVED ON : 26th SEPTEMBER, 2025

PRONOUNCED ON : 09th OCTOBER, 2025

JUDGMENT (PER : RAVINDRA V. GHUGE, J.) :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. All these Petitioners have suffered cancellation of their admissions to the 1st semester of the 1st Year (3 years course) by the Indian Nursing Council (hereinafter referred to as 'INC'), due to which their

admissions to the Auxiliary Nurse Midwifery (ANM)/General Nursing and Midwifery (GNM), have been cancelled. The Respondent Nursing Colleges have also informed the INC as well as the students about the cancellation of their admissions. Yet, some of them have been allowed to sit in the classrooms as if they are legally admitted students.

3. Therefore, some of these Petitioners approached this Court seeking urgent orders as they were disallowed from appearing in the 1st semester of the 1st Year exam. The learned predecessor Bench passed an ad-interim order on 29th July 2025, allowing the Petitioners to appear for the 1st semester exam. All of them have, therefore, been permitted to appear for the 1st semester examination, which begins from 23rd September, 2025, and ends on 26th September, 2025.

4. These Petitioners are students who were admitted to the 3 years course in the admission process that started in October, 2024. They secured admission to the ANM/GNM courses in the Nursing Colleges after their 12th Standard exams. Thereafter, the INC commenced its routine verification exercise. The INC informed the Registrar of the Maharashtra State Board of Nursing and Paramedical Education (hereinafter referred to

as ‘the State Board’), Directorate of Medical Education and Research, Mumbai, vide communication dated 24th February, 2025, which is as under :

“Sub : To get Guidance on the following matters – reg

Madam,

This has reference to your letter no.MSBNPE/12588/2024 dated 24.02.2024 on the subject noted above, by keeping in mind the eligibility criteria for ANM and GNM programme, the Vocational stream -specialization (extracted from the CBSE list of Vocational Subjects- copy enclosed) as stated below can be considered for the admission to ANM & GNM programs :

- S.no.13 (c) Yoga Anatomy and Physiology,*
- S.no.14 - Ophthalmic Techniques,*
- S.no.15 - Medical Laboratory Technology (Laboratory Machine (Clinical Pathology, Hematology & Histopathology, Clinical Biochemistry, Microbiology)*
- S.no.16 - Auxiliary Nursing & Midwifery (Fundamentals of Nursing II, Community Nursing II, Maternity & Child Health Nursing II) - (for GNM program)*
- S.no.17 - X-Ray Technician- (Radiation Physics, Radiography I (General), Radiography II (Special Investigation, Imaging and Radiograph)*

This issues with the approval of Competent Authority.”

5. The Registrar of the Board, who was present in the Court hall on 22nd September 2025, submitted that after due verification of the Applications of these Petitioners, these 22 students (the Petitioners) were found to have been admitted illegally, along with 68 others. He submitted that these are not irregular admissions, but illegal admissions.

For example, our attention was drawn to one Petitioner, namely, Kole Priyanka Tukaram. Her 12th Standard curriculum was in the “HSC Vocational” stream. Following were her subjects for the 12th standard :

*“01 ENGLISH
02 MARATHI
90 GENERAL FOUNDATION COURSE
X1 COMPUTER TECHNIQUE 1
X2 COMPUTER TECHNIQUE 2
X3 COMPUTER TECHNIQUE 3
31 ENVIRONMENT EDUCATION”*

By way of another example, he has cited the case of the Petitioner, Mhaske Balaji Navnath, who had the following subjects in his HSC Vocational stream :

*“01 ENGLISH
02 MARATHI
90 GENERAL FOUNDATION COURSE
L4 CROP SCIENCE 1
L5 CROP SCIENCE 2
L6 CROP SCIENCE 3
31 ENVIRONMENT EDUCATION”*

6. The learned Advocate for the Board submitted that though a candidate may have done his HSC from the Arts or Commerce faculty with a Vocational stream, and if the subjects are in terms of those mentioned in the communication of the Board dated 24th February, 2025 reproduced above, they could be admitted. The INC had given guidance vide the communication dated 24th February, 2025, making it clear that the students who had any of the subjects mentioned in the said list, at the 12th Standard, could be admitted for the ANM/GNM.

7. The Petitioners have contended in their pleadings that the official website of the Board carries the guidelines under the head '*Admission Terms and Condition*' of '*Guidelines and Minimum Requirements to Establish General Nursing and Midwifery School of Nursing*' (hereinafter referred to as 'the guidelines'). The minimum requirement for the said GNM course is 10 + 2 with English and having 40% marks in Vocational stream – Health Care Science from a recognized State Board or the Central Board.

8. It is further contended that there were several students who have been admitted by these Respondent Colleges since 2012, though their

Vocational course subjects did not match with the prescribed subjects. Yet, such candidates were admitted and permitted to pass out with Degree/Diploma certificates. The present Petitioners, therefore, should not be faulted on the ground that their admissions are illegal. The Petitioners have paid Rs. 60,000/- per Petitioner towards fees of the 1st Year of the GNM course.

9. It is further contended that these Petitioners were attending their classes regularly and had completed the 1st Term. After seven months of their admission, the Management received communications from the Board declaring that the Petitioners' admissions were cancelled. There are many Nursing Colleges who have admitted students for the GNM course, who had non-health subjects or other subjects in their Vocational stream and yet, they were permitted to pursue their courses. If earlier, the illegal admissions of such students were not cancelled, then the admissions of these Petitioners should also not be cancelled.

10. When some of these matters were heard by the learned predecessor Bench on 29th July 2025, it was recorded in paragraph nos. 2 to 8, as under :

2. It is the case of the petitioners that they applied for General Nursing and Midwifery Course ('GNM Course', for short) for academic year 2024-25 in respondent no. 3 – College in August 2024. There is no dispute that the petitioners have passed 10th to 12th Standard examination with English as vocational stream having 40% marks. However, guidelines for GNM Course programme to be conducted in academic year 2024-25 provides the following criteria

“EDUCATION:

. Candidates should have passed in HSC Examination (10+2) with English and must have obtained a minimum of 40% at qualifying examination conducted by Maharashtra State Board of Secondary and Higher Secondary Education or Equivalent, with any stream (Science/Arts/Commerce) preferably science.

. 10+2 with English having 40% of marks in vocational Stream Health Care Science (including medical laboratory technician, Radiology Technician, Child Healthcare services, Old Age Health Care services, ophthalmic technicians) from a recognized CBSE-board/Centre.

. Candidates are also eligible from State open School recognized by State Government and National Institute of Open School (NIOS) recognized by Central Government.

. Registered ANM with pass mark.”

3. Admittedly, the petitioners do not fulfill the eligibility criteria. Shri Dere, learned counsel for respondent no.2 invited our attention to the provisions of the Maharashtra State Board of Nursing and Paramedical Education 2013. The relevant portion of Section 24 of the same provides as under :

“24(1) Subject to the provisions of this Act, the powers and duties of the Board shall be as follows, namely :-

.....

(c) to prescribe and regulate standard guidelines for selection, infrastructure for nursing and Paramedical Education Institutions, requirements in respect of staff, buildings, furniture, equipments, stationary and other things required for diploma level courses;

(d) to prescribe and develop any book as text book and reference book or to prepare or cause to be prepared any book and print or non-print material or to publish directly or in collaboration with any other agency, any kind of learning material for diploma level courses;

(e) to prescribe the general conditions governing admission of regular candidates and ex-candidates to the examinations and to specify the conditions relating to eligibility, attendance, term-work and on the fulfilment of which a candidate shall have a right to be admitted to and appear at any such examination.

.....”

4. Shri Dere therefore submits that it is imperative for respondent no.3- College to adhere to this statute. Shri Dere further submits that respondent no.3- College was very well aware of the eligibility criteria and in fact in June 2024 itself, respondent no.2 on its website and by all possible modes had clearly indicated the eligibility requirement for admission for said GNM Course. Despite such stipulation, respondent no.3- College proceeded to admit the petitioners in the College for the said Course. In this view of the matter, it is

submitted that the respondent no.2 is strictly following the provisions of the said Act and directions issued by Indian Nursing Council (“INC”, for short) and hence no relief can be granted to the petitioners.

5. It is pointed out by learned counsel for the petitioners that so far as 2nd and 3rd years students are concerned, they are similar situate as the present petitioners and no action has been taken against them. The said Course is of 3 years. If at all there is default, it is on the part of the College for which the petitioners should not be made to suffer. According to the respondent no. 3- College, the petitioners have already completed substantial portion of the first year which is disputed by Shri Dere. Learned counsel for respondent no.3 submits that the College is continuing with the classes and allowing the petitioners to attend the classes. The examination of the 1st year is scheduled on 07/08/2025. Shri Dere submitted that the respondent no.3-College has cancelled the admission.

6. Prima facie, we find that there is substance in the submission of Shri Dere that respondent no.3- College in the first instance should not have admitted the students who do not fulfill the criteria. However, we find that the 2nd and 3rd years students who are similar situate as the petitioners are concerned, they are still attending the College and permitted to pursue the Course. In the interest of students and as the students should not suffer, we are inclined to grant limited relief in favour of the petitioners subject to hearing INC.

7. In such view of the matter, leave to implead INC as a party respondent is granted. Amendment to be carried out forthwith.

8. Accordingly, the petitioners are allowed to appear for the examination which are scheduled to commence from 07/08/2025 and attend the classes. It is however made clear that the results shall not be declared and the

continuation of the Course of the petitioners is subject to the outcome of this petition. The petitioners shall not claim any equity in the event we find that the petition deserves to be dismissed after considering the stand of INC.

[Emphasis supplied]

11. It is, thus, evident that, while granting limited ad-interim relief, this Court had realised that these Petitioners were not eligible to be admitted to the course in the 1st Year. They were allowed to appear for the 1st semester exams because their seniors, who are also ineligible, were appearing for their exams in the 2nd or 3rd Year.

12. The guidelines published by the Board on 18th June, 2024, which is placed on record before us, were the guidelines to be followed for the ANM/GNM courses for the Academic Year 2024-2025. The relevant criteria for the GNM admissions were reproduced in the order of this Court dated 29th July, 2025, reproduced herein above.

13. Some of the Managements in these cases have tendered their affidavits in reply. More or less, their stand is almost identical. It is their contention that the Board had forwarded the list of students to be admitted in these Colleges. The cut-off date for the admissions was 31st October,

2024. It is admitted that the criteria for the admission of students for the previous three Academic Years 2021-2022, 2022-2023, and 2023-2024, was specified and the Vocational course was one of them. It is in these circumstances that the list of students forwarded to the College by the Board was accepted by these Colleges and the students were admitted. After admitting such students, cancelling their admissions on the ground that they did not have the requisite educational qualifications, would be unfair and unjust.

14. The learned Advocate for the Board has relied on the affidavit filed and the written notes of submissions. The contention of the Board is that the Managements have indulged in blatant violation of the regulatory framework and have willfully admitted students only to fill up all their seats, by ignoring the necessary educational qualifications. The admission process concluded in November, 2024. In December, 2024, the Board initiated the verification exercise. Specific document verification was conducted in the four Institutions that were identified for the said purpose, on 28th January, 2025 at Ratnagiri, 4th February, 2025 at Kolhapur, 10th March, 2025 at Raigad, and 18th March, 2025 at Sangli.

Thereafter, the orders of cancellation of admissions of 90 students were passed March, 2025. More than 90 students voluntarily cancelled their admissions after the Colleges also cancelled their admissions. 22 students amongst these 90 students have approached this Court, in July 2025, and have obtained ad-interim orders for appearing for their 1st semester exam, on misrepresentation. 68 students whose admissions were cancelled have left the courses and have not approached this Court.

In the previous Academic Year, the Board had cancelled the admission of 100 students who did not possess the requisite educational qualifications. It is, therefore, urged that permitting such Petitioner students to appear for exams on the ground that other students in the 2nd or 3rd Year are also illegally admitted, knowing that these Petitioners have been illegally admitted to the courses, would be a mockery of the admissions process.

15. It is further canvassed that if illegal admissions are allowed to be continued, the functioning and credibility of the GNM Nursing Course would be seriously jeopardized and those students who are eligible to be admitted, would lose the legitimate opportunity of securing admission to

the GNM course. He submits that these courses like GNM, ANM are critical to the Nursing activities in the Hospitals. Midwifery, which means a person who is trained to help women deliver babies, is an integral part of such courses. If candidates without the requisite qualifications are admitted to such courses, the entire educational program and the specific qualifications prescribed by competent Authorities would be rendered otiose.

16. He further submits that the Maharashtra Government has introduced the Medical State Board of Nursing and Paramedical Education Act, 2013 (hereinafter referred to as “the 2013 Act”), which is squarely applicable to such courses and such Colleges.

17. A judgment of this Court is cited, to which one of us (Ravindra V. Ghuge, J.) is a party, dated 13th April, 2023, delivered at the Aurangabad Bench in a group of Writ Petitions, Writ Petition No.1771 of 2023 (***Areeb Hasan Ansari and Ors. v/s. The State of Maharashtra and Ors.***). In the said matter, the Petitioners were admitted to Graduation courses of BHMS/BAMS/BUMS/ BPTH/B.Sc. Nursing. The Admission Regulating Authority (ARA) had cancelled their admissions only because they did not

have the caste/tribe validity certificates at the time of their admissions and had not tendered them before the cut-off date.

It is in these circumstances that the Aurangabad Bench delivered an exhaustive judgment and imposed costs on the Managements for admitting students without validity certificates, at the rate of Rs.50,000/- per student. However, as the Petitioners had tendered their caste validity certificates after the cut-off date, their admissions were regularised. In *National Medical Commission and Anr. v/s. Annasaheb Chudaman Patil Memorial Medical College and Ors.*, Civil Appeal No.966 and 967 of 2023, decided on 10th February, 2023, cost of Rs.2.5 Crores was imposed on the Management by the Hon'ble Supreme Court, with the direction that the said amount would not be recovered from the students.

18. In order to be very sure that the 22 Petitioners (68 others have not approached this Court) are factually ineligible to be admitted, we have collated the following information:-

Sr. No.	Name of the Student	Qualification
A) <u>WP 11866 of 2025</u>		
1.	Priyanka Tukaram Kole	HSC in Vocational Stream – 66.00% Subjects:- English, Marathi, General Foundation Course, X1 Computer Technique 1, X2 Computer

		Technique 2, X3 Computer Technique 3, Environment Education
2.	Balaji Navnath Maske	HSC in Vocational Stream – 58.31% Subjects:- English, Marathi, General Foundation Course, L4 Crop Science 1, L5 Crop Science 2, L6 Crop Science 3, Environment Education
B) <u>WP 5697 of 2025</u>		
3.	Nandini Prakash Ingawale	HSC in Vocational Stream – 57.83% Subjects:- English, Marathi, General Foundation Course, UA Accounting & OFF Management 1 , UB Accounting & OFF , UC Accounting & OFF Management , Environment Education & Water Security, Health & Physical Education.
4.	Om Mayur Koli	HSC in Vocational Stream – 43.17% Subjects:- English, Marathi, General Foundation Course, UA Accounting & OFF Management 1 , UB Accounting & OFF , UC Accounting & OFF Management , Environment Education & Water Security, Health & Physical Education.
C) <u>WP 5706 of 2025</u>		
5.	Purvaja Pramod More	HSC from Vocational Stream – 52.83% Subjects:- English, Marathi, General Foundation Course, UA Accounting & OFF Management 1 , UB Accounting & OFF , UC

		Accounting & OFF Management, Environment Education & Water Security, Health & Physical Education.
6.	Ashlesha Sudhakar Tandel	HSC from Vocational Stream – 58.50% Subjects:- English, Marathi, General Foundation Course, UA Accounting & OFF Management 1 , UB Accounting & OFF , UC Accounting & OFF Management, Environment Education & Water Security, Health & Physical Education.
<u>D) WP 7574 of 2025</u>		
7.	Makandar Mustakim Miraso	HSC from vocational stream – 55% Subjects:- English, Marathi, General Foundation Course, MA Animal Husbandry & Dairy 1 , MB Animal Husbandry & Dairy 2 , MC Animal Husbandry & Dairy 3 , Environment Education & Water Security, Health & Physical Education.
<u>E) WP 8987 of 2025</u>		
8.	Om Bhagwan Shinde	HSC from Vocational Stream – 48.33% Subjects:- English, Marathi, General Foundation Course, UA Accounting & OFF Management 1 , UB Accounting & OFF , UC Accounting & OFF Management, Environment Education & Water Security,

		Health & Physical Education.
F) <u>WP (St.) 18156 of 2025</u>		
9.	Kale Sangram David	HSC from vocational stream – 52.33% Subjects:- English, Marathi, General Foundation Course, BLDG Maintenance 1, BLDG Maintenance 2, BLDG Maintenance 3, Environment Education.
G) <u>WP 11411 of 2025</u>		
10.	Vaishnavi Vinod Adgale	HSC from vocational stream – 74% Subjects:- English, Marathi, General Foundation Course, FA Electrical Technology 1, FB Electrical Technology 2, FC Electrical Technology 3, Environment Education & Water Security, Health & Physical Education.
11.	Nikita Sugriv Adgale	HSC from vocational stream – 79% Subjects:- English, Marathi, General Foundation Course, FA Electrical Technology 1, FB Electrical Technology 2, FC Electrical Technology 3, Env. Edu. & Water Security, Health & Physical Education.
12.	Meera Rajendra Wadhchaure	HSC from vocational stream – 62.33% Subjects:- ONLY CODES GIVEN
13.	Priti Sugriv Adgale	HSC from vocational stream – 82.62% Subjects:- English, Marathi, General Foundation Course, FA Electrical Technology 1, FB Electrical Technology 2, FC Electrical

		Technology 3, Environmental Education, Health & Physical Education.
H) WP 11409 of 2025		
14.	Tanuja Prashant Gahukar	HSC from vocational stream – 68.83% Subjects:- English, Marathi, General Foundation Course, UA Accounting & OFF Management 1 , UB Accounting & OFF Management 2 , UC Accounting & OFF Management 3 , Environmental Education & Water Security, Health & Physical Education.
15.	Shreya Vinodrao Lande	HSC from vocational stream – 68.17% Subjects:- English, Marathi, General Foundation Course, UA Accounting & OFF Management 1 , UB Accounting & OFF Management 2 , UC Accounting & OFF Management 3 , Environmental Education & Water Security, Health & Physical Education.
16.	Bhagyashri Ashokrao Aaskar	HSC from vocational stream – 61% Subjects:- English, Marathi, General Foundation Course, FA Electrical Technology 1 , FB Electrical Technology 2 , FC Electrical Technology 3 , Environmental Education, Health & Physical Education.
17.	Vaibhav Maruti Sontakke	HSC from vocational stream – 72.83% Subjects:- English, Marathi, General Foundation Course, GA Automobile

		Technology 1, GB Automobile Technology 2, GC Automobile Technology 3, Environmental Education, Health & Physical Education.
<u>I) WP 11412 of 2025</u>		
18.	Rangoli Sagar Gaikwad	HSC from vocational stream – 60% Subjects:- English, Hindi, General Foundation Course, Building Maintenance 1, Building Maintenance 2, Building Maintenance 3 , Environmental Education, Health & Physical Education.
<u>J) WP 12431 of 2025</u>		
19.	Vaishali Gautamrao Sardar	HSC from Vocational stream – 62% Subjects:- English; Marathi; General Foundation Course; VA Marketing & Retail Management 1; VB Marketing & Retail Management 2; VC Marketing & Retail Management 3 ; Environmental Education & Water Security; Health & Physical Education.
20.	Priti Sharad Kharate	HSC from MCVC stream – 70.17% Subjects:- English; Marathi; General Foundation Course; Q1 Creche & Pre-School Management 1; Q2 Creche & Pre-School Management 2; Q3 Creche & Pre-School Management 3.
21.	Prangalli Prakash	HSC – 51.85%

	Gawai	Subjects:- English, Marathi, General Foundation Course, FA Electrical Technology 1 , FB Electrical Technology 2 , FC Electrical Technology 3 , Environment education, Health and Physical Education.
22.	Mayur Motiram Kudve	HSC from Vocational stream – 29.08% - FAIL (February 2017) HSC – PASS (2 nd attempt) (May 2018) Subjects:- English, Marathi, General Foundation Course, K1 Auto Engg. Technician 1 , K2 Auto Engg. Technician 2 , K3 Auto Engg. Technician 3 , Environment Education, Health and Physical Education.

19. The peculiar issues before us today, are as under :

(a) Whether the High Court should turn a blind eye to the illegal admissions?

(b) If the INC may have incorrectly recommended a list of candidates to the Colleges without scrutiny and later on, the Maharashtra Board conducted the documents verification and noticed that 90 students have been granted illegal admissions in the 1st semester itself (at the beginning of the three years course), should the High Court condone such illegal admissions, which problem can be nipped in the bud?

(c) Is it relevant that the admissions of these students have been cancelled at the beginning of their course as compared to cases wherein the students may have

completed the entire course and thereafter, it is noticed that their admissions are illegal?

20. The Hon'ble Supreme Court in the case of *Tinku v/s. State of Haryana and Ors.*¹ has crystalized the law against perpetuating illegality and irregularity and has held in paragraph no.11, as under :

11. The very idea of equality enshrined in Article 14 is a concept clothed in positivity based on law. It can be invoked to enforce a claim having sanctity of law. No direction can, therefore, be issued mandating the State to perpetuate any illegality or irregularity committed in favour of a person, an individual, or even a group of individuals which is contrary to the policy or instructions applicable. Similarly, passing of an illegal order wrongfully conferring some right or claim on someone does not entitle a similar claim to be put forth before a court nor would court be bound to accept such plea. The court will not compel the authority to repeat that illegality over again. If such claims are entertained and directions issued, that would not only be against the tenets of the justice but would negate its ethos resulting in the law being a causality culminating in anarchy and lawlessness. The Court cannot ignore the law, nor can it overlook the same to confer a right or a claim that does not have legal sanction. Equity cannot be extended, and that too negative to confer a benefit or advantage without legal basis or justification.

21. The peculiarity in these cases is that even the Petitioners admit that they do not fulfill the requisite qualifications. It is their contention that the College Managements have admitted them by charging them

¹ 2024 SCC OnLine SC 3292

Rs.60,000/- each. They seek negative parity with some students whose admissions are also illegal and are presently in the 2nd and 3rd Years. Their admissions are intact.

22. In our view, it would be injustice to those who have lost their admissions because of such illegal admissions. So also, the Managements seem to have got emboldened by continuing to admit students who otherwise are ineligible to be admitted. Having noticed the illegal admissions of the Petitioners, who are amongst 90 such cancelled admission, of the very 1st semester of the 1st Year, no equities are created in favour of the Petitioners.

23. In view of the above, **all these Writ Petitions are dismissed.**

However, we are issuing the following directions :

a] The admissions of all the Petitioners stand cancelled.

b] The results of the examination taken by these Petitioners under the ad-interim orders of this Court, shall not be declared for 45 days, to the extent of these Petitioners only.

c] The answer sheets of these Petitioners be preserved for only 45 days and thereafter, the physical copies be destroyed. The scanned soft copies be preserved for the statutory period.

d] The competent Authority shall initiate action against these Managements for having illegally admitted the students, by following the due procedure laid down in law. Such inquiry/action will include :

(i) scrutiny of all admissions for a period of 5 preceding years.

(ii) if illegally admitted students are in advanced educational curriculum, viz., the third year, their admissions be protected and appropriate strict action be taken against the Managements and also erring officials of any statutory bodies, keeping in view the law laid down in *Areeb Hasan Ansari* (Supra).

e] The Managements shall return the entire fees collected from the Petitioners, within 45 days from today.

f] The Managements shall pay Rs.1 lakh to each of the Petitioners, towards damages for the loss of one year, within 45 days from today.

24. **Rule is discharged.**

25. Pending **Interim Application**, if any, also stands disposed off.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)