

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

WRIT PETITION NO. 5697 OF 2025

Nandini Prakash Ingawale and anr. ... Petitioners
Versus
The State of Maharashtra and ors. Respondents

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

Purvaja Pramod More and anr. ... Petitioners
Versus
The State of Maharashtra and ors. Respondents

**WITH
WRIT PETITION NO. 7574 OF 2025**

Makandar Mustakim Miraso and anr. ... Petitioners
Versus
The State of Maharashtra and ors. Respondents

**WITH
WRIT PETITION STAMP NO. 18156 OF 2025**

Kale Sangram David ... Petitioner
Versus
The State of Maharashtra and ors. Respondents

**WITH
WRIT PETITION NO. 8987 OF 2025**

Om Bhagwan Shinde ... Petitioner
Versus
The State of Maharashtra and ors. Respondents

Ms. Sakshi Thombre, for the Petitioners.
Smt. Gauri R. Raghuwanshi, for the Respondent No.1.
Mr. Sandeep Dere a/w Ms.Sonali Pawar, for Respondent No.2.
Mr. Ajit D. Hon, for Respondent No.3.

**CORAM : M.S.KARNIK AND
N.R.BORKAR, JJ.**

DATE : 29th JULY 2025

P.C. :

1. Heard learned counsel for the parties.
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.

9. Issue notice to the INC, returnable on 20/08/2025. In

addition to the Court notice, private notice is permitted.

10. It is made clear that in the event the petition succeeds, this Court may be inclined to impose heavy cost on respondent no. 3-College as prima facie we find the respondent no. 3 is responsible for the predicament of the petitioners.

11. The respondent no. 3-College to do the needful and inform respondent no.2 to generate PNR which is without prejudice to the rights and contentions.

12. Stand over to 20/08/2025.

(N.R.BORKAR, J.)

(M.S.KARNIK, J.)