

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

WRIT PETITION NO. 9850 OF 2025

Siddhi Gajanan Kale

...Petitioner

VERSUS

The State of Maharashtra Through The
Secretary And Ors.

...Respondents

....

Mr. Ajit dilip, Advocate for the Petitioner.

Mr. N. C. Walimbe, Addl. G. P a/w Mr. V. G. Badgujar, AGP for the
Respondent – State.

Dr. Puroshottam Madavi, Deputy Director Nursing is present.

Dr. Nilima Sonawane, Assistant Deputy Director is present.

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

DATE : 17th JULY, 2025

P.C.:

1. Heard the learned counsel for the petitioner.
2. Mr. Walimbe, the learned A.G.P opposed the petition.
3. The present petitioner seeks a direction to the
Respondent Nos.2 to 4 to include the name of the petitioner in
the provisional list of candidates for the M.Sc. Nursing course.
An advertisement was issued on 12.06.2025 by the

Respondent No.2 for the course of M.Sc. Nursing, etc.. The last date for the submission for filling up the form was on 01.07.2025 till 5:00 p.m.. The petitioner submitted her admission form on 30.06.2025. The provisional list of the candidates for the M.Sc. Nursing course was published on 14.07.2025. The petitioner did not find her name in the provisional list. The petitioner raised written objections on 15.07.2025 as per the schedule published for the submitting the written objections as her name did not appear in the provisional list.

4. The learned A.G.P. submitted that the petitioner did not follow the prescribed procedure for the purpose of filling up the form and therefore, the petitioner's name is not included in the provisional list. It is submitted that as many as 147 candidates have filled in the form in terms of the procedure prescribed. It is therefore submitted that an exception cannot be made so far as the petitioner is concerned as she has failed to fill in the form in the prescribed manner. The learned A.G.P. submits that it is the petitioner who is at fault and thus any interference at this stage would not be

justified. It is submitted that in any case, the petitioner can apply next year.

5. No doubt, there is requirement of following the prescribed procedure before the name is included in the provisional list. There is no dispute that the petitioner had filled and submitted admission form for M.Sc. Nursing course on 30.06.2025 and even acknowledgment dated 30.06.2025 of having received the form at 10:25 a.m. has been issued to her. However, the later part of the requirement was not complied with.

6. The learned counsel for the petitioner submitted that this happened inadvertently as the petitioner did not realize that anything further was required to be done after submitting the admission form. In fact, when the provisional list was published on 15.07.2025, immediately the petitioner filed her objections.

7. In our opinion, the petitioner should not be deprived of an opportunity to participate in the process on the ground of mere technicalities.

8. The learned A.G.P submits that the final merit list is to be published i.e. on 18.07.2025. It is submitted that if this Court is inclined to allow the petition, then the petitioner should remain personally present at Mumbai where she can fill up the necessary forms tomorrow at around 11:00 a.m..

9. The learned counsel for the petitioner submits that the petitioner will fill up the form tomorrow. The petitioner to ensure that duly completed form is filled up tomorrow in the office of the Director of Health Services and thereupon the relevant forms/documents be submitted to the concerned College i.e. Sir J.J. Hospital, Byculla, Mumbai.

10. The petition is allowed in the aforesaid terms.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)