

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(Sr. No. 2) WRIT PETITION NO. 11866 OF 2025

Priyanka Tukaram Kole & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

(Sr. No. 3) WRIT PETITION NO. 5697 OF 2025

Nandini Prakash Ingawale & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

INTERIM APPLICATION NO. 10976 OF 2025

IN

WRIT PETITION NO. 5697 OF 2025

Maharashtra State Board of Nursing
and Paramedical Education Director
of Medical Education and Research. ... Applicant.

In the matter between

Nandini Prakash Ingawale & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

WRIT PETITION NO. 5706 OF 2025

Purvaja Pramod More & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

WRIT PETITION NO. 7574 OF 2025

Makandar Mustakim Miraso. ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

WRIT PETITION (ST) NO. 18156 OF 2025

Kale Sangram David. ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

WRIT PETITION NO. 8987 OF 2025

Om Bhagwan Shinde. ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

(Sr. No. 4) WRIT PETITION NO. 11411 OF 2025

Vaishnavi Vinod Adgale. ... Petitioner.

V/s.

State of Maharashtra & Ors. ... Respondents.

WITH

WRIT PETITION NO. 11412 OF 2025

Rangoli Sagar Gaikwad. ... Petitioner.

V/s.

State of Maharashtra & Ors. ... Respondents.

WITH

WRIT PETITION NO. 11409 OF 2025

Tanuja Prashant Gahukar & Ors ... Petitioner.

V/s.

State of Maharashtra & Ors. ... Respondents.

WITH

(Sr. No. 5) WRIT PETITION NO. 12431 OF 2025

Vaishali Gautamrao Sardar & Ors ... Petitioner.

V/s.

State of Maharashtra & Ors. ... Respondents.

Mr. Nikhil Pujari i/b. Mr. Pratik B. Rahade, Advocate for Petitioners in WP/11866/2025, WP/11411/2025, WP/11412/2025, WP/11409/2025 & WP/12431/2025.

Ms. Sakshi Thombre, Advocate for Petitioners in WP/5697/2025, WP/5706/2025, WP/7574/2025, WPst/18156/2025 & WP/8987/2025.

Mr. Sandeep Dere, a/w. Ms. Arati Patil Dere, Ms. Sonali Pawar, Advocate for Respondent Nos. 2 to 5.

Mr. Ajit Hon, Advocate for Respondent No. 3 in all the matters.

Mr. P.P. Kakade, Addl. G.P. a/w. Mr. V.G. Badgajar, AGP for Respondent/State in WP/11866/2025.

Ms. Gauri Raghuwanshi, AGP for Respondent/State in WP/5697/2025, WP/5706/2025, WP/7574/2025, WPst/18156/2025 & WP/8987/2025.

Mrs. Vaishali Raut, Registrar, Maharashtra State Board of Nursing and Para-Medical Education.

CORAM : RAVINDRA V. GHUGE AND

ASHWIN D. BHOBE, JJ.

DATE : 22nd SEPTEMBER, 2025

P.C. :

1. On 20.09.2025, we had passed the following order :

1. *This matter was already on today's board. On mentioning, it was taken on the production board.*

2. *The Petitioners are two students whose admissions to the GNM Course under the vocational stream at Respondent No.4 college, was cancelled on 4th March, 2025 after the admission of these students was scrutinized and it was found that they were illegally inducted in the course by the college. In fact, the college also wrote to Respondent No. 2, the Board, on 17th April 2025, informing that the admissions of these students had been cancelled. The students themselves issued consent letters for the cancellation of their admissions, acknowledging that the same were irregular and could not have been regularized.*

3. *These Petitioners are before us today seeking parity with the students who were the Petitioners before the Coordinate Bench of this Court in Writ Petition Nos. 5697 of 2025, 5706 of 2025, 7574 of 2025, 8987 of 2025 and Writ Petition (St.) No. 18156 of 2025, wherein those Petitioners were conditionally permitted to appear for the exams.*

4. *The learned Advocate for the college, as well as the learned Advocate for the Board, state that the admission of both these students was cancelled. When called upon as to whether these two students were attending the classes after their admissions were cancelled, the learned Advocate for the college, hesitantly submits that they attended the classes. Such statement will have to be scrutinized in the light of the fact that the college knew that the admission of these two*

students was cancelled. The question is how the college performed such a high-handed act of letting the students sit in the classrooms and participate in the day-to-day classes.

5. *We are told that the Petitioners in the other Writ Petitions, who received the order dated 29th July 2025, conditionally permitting them to appear for the exam, are also identically placed. Their admissions have also been cancelled. Though Mr.Dere, the learned Advocate for the Board, informs the Court that their admissions were cancelled, the learned Advocate for the college made a bold statement, on instructions, that such students continued to attend classes because the college granted them attendance. It is an altogether different situation, wherein students who were on the verge of completing their entire educational curriculum need to be protected against sudden cancellation of their admissions.*

6. *This is a case wherein all the students are in their first year and were admitted on 1st October 2024. It is a three-year course, and this is just the beginning. Question is whether their illegal admissions can be protected, only because the Management has surreptitiously allowed them to attend the classes.*

7. *We are listing these Petitions along with Writ Petition Nos. 5697 of 2025, 5706 of 2025, 7574 of 2025, 8987 of 2025, 11411 of 2025, 11412 of 2025, 11409 of 2025, 29066 of 2025, 11866 of 2025 and Writ Petition (St.) No. 18156 of 2025 at serial No.1 in the cause list, on 22nd September, 2025.*

8. Both the Petitioners in this Petition, as well as in the other Petitions, which are mentioned above, shall tender their individual affidavit undertakings to this Court on 22nd September 2025, stating that if this Court concludes that their admissions are illegal, they would quit the course and would not claim any equities. Similarly, the President/Secretary of Respondent No. 4 college shall file an affidavit in this Court stating that if this Court concludes that the college played a fraud, and imposes costs of Rs. 1,00,000/-, they will deposit the said amount in this Court.”

2. We have heard the learned Advocate for the respective sides for quite some time even today. All these Petitioners have secured admission to ANM & GNN courses (Nursing Course) after the 12th standard exams. For guidance, the Indian Nursing Council informed the Registrar of the Maharashtra State Board of Nursing and Para-Medical Education (for short “MSBNPME”), Directorate of Medical Education and Research, Mumbai, vide communication dated 24.02.2025, 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 programas :

- *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.”

3. The Registrar of the MSBNPME is present in the court hall. After due verification of the Applications of these Petitioners, it is stated that the admission of these 22 students cannot just be termed as being irregular. These are illegal admissions. For example, our attention is drawn to one Petitioner namely, Kole Priyanka Tukaram. Her 12th standard curriculum was in the stream “HSC Vocational”. Following are her subjects at 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”*

4. For example, one more candidate's 12th Standard HSC Vocational stream namely, Mhaske Balaji Navnath, is as under :

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

5. Mr. Dere, the learned Advocate is instructed to state that those candidates who were from the Arts and Commerce faculty, but had any of the subjects reproduced herein above in paragraph Nos. 3 and 4 at the 12th Standard, were permitted since the Indian Nursing Council had extended guidance vide the above reproduced communication dated 24.2.2025, and students with any of the said subjects were entitled to take admission.

6. These facts were suppressed from this Court which passed an interim order on 29th July, 2025 in Writ Petition Nos. 5697 of 2025, 7574 of 2025, 8987 of 2025 and Stamp No. 18156 of 2025. Consequently, the Coordinate Bench permitted the Petitioners to appear for the exams beginning from tomorrow, concluding on 26th September, 2025.

7. In matters of such nature, if illegal admissions are allowed to be continued, this would amount to a fraud being played on the system. If the college is responsible for such a fraud, the students can seek damages against the college, in as much as, this Court can direct the Indian Nursing Council as well as the MSBNPME, to initiate appropriate action against such erring colleges. No doubt, one year of the students is likely to be wasted. However, it is unbelievable that these students are so gullible that they did not know after reading the brochure that they were not eligible for an admission. If the Management has decided to play a fraud and assured such students of admissions only because such Managements earlier got away with such a fraud, the students will have a right to seek damages and the Statutory Authority will have a right to take action. Instead of giving false hopes to such students and subsequently taking away their degree certificates and ousting them from such courses after having spent 3 years in such a course, a lesser damage would be caused if remedial steps are taken now.

8. Since we have heard these matters at great length on Saturday, 20th September, 2025 and today, we are directing the Petitioners as well as the Respondents, to tender their written notes of submissions along with case law on 26th September, 2025. If any of the

litigating parties fail to submit the written notes, it would be deemed that they do not desire to submit their written notes and are relying on their oral submissions.

9. Since we intend to close the matter on 26th September, 2025 after receiving the synoptical notes and since we have disclosed to the litigating parties that our *ex-facie* view expressed in the order dated 20th September, 2025 or any observation made today is purely at an *prima-facie* stage, we are permitting all these Petitioners to appear for the exams commencing from tomorrow, subject to certain conditions.

10. The learned Advocate Mr. Dere, hastens to add that there were 90 such illegal admissions, out of which 22 Petitioners are before this Court. 68 admissions of the students have already been cancelled. They are not before the Court. He, therefore, made an attempt to urge us not to permit these 22 students to appear for the exams since the 68 students have already been ousted from appearing in the exams, more so, in the light of the fact that the admissions of all these students have already been cancelled on 4th March, 2025. The college has already intimated the said students and it is the view of the Board that they have not participated in the day to day educational curriculum and classes.

11. Since we are closing the matter for Judgment on 26th September, 2025, after receiving the synoptical notes/bullet points and case law from the parties and since the Coordinate Bench has earlier permitted some of these Petitioners to appear for the exams from tomorrow, we would permit them to take their exams commencing from tomorrow on the following conditions :

- (a) As directed in the Order dated 20th September, 2025, each of the Petitioners would tender the affidavit undertaking that if this Court concludes that the admissions were illegal and upholds the action of the cancellation of their admissions, they would have to quit the Course.
- (b) If we conclude that the admissions are legal, we would pass appropriate orders.
- (c) If we hold that the admissions are illegal, the Petitioners would be at liberty to avail of the remedies.
- (d) All these Petitioners who would appear for the exams, are precluded from making a request that their results be declared since we are finally deciding these Petitions.

12. Stand over to 26th **September, 2025** for receiving the affidavits of the Petitioners (those who have not already filed) as well as

the affidavit of Management and their written notes/bullet points with case laws.

13. We appreciate the gesture of the Registrar of the MSBNPE in having made offline examination arrangement to permit these students to appear for the exams strictly as per the time table made applicable to all the students who have been legally admitted to take the online examination.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)