



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.310/2024

<u>PETITIONER :</u>	Pawan Bahu-Uddeshiya Shikshan Va Samajik Vikas Sanstha, Through its Secretary, Plot No.34, Vaibhav Laxmi Nagar, Shanti Nagar Square, Vayfad Road, Umri Meghe, Wardha
<u>...VERSUS...</u>	
<u>RESPONDENTS :</u>	1. State of Maharashtra, through its Secretary, Medical Education & Drugs Department, Mantralaya, Mumbai – 32.
	2. Maharashtra State Board of Nursing And Paramedical Education, Through its Director, Government Dental College And Hospital Building, St. Georges Hospital Campus, Fort, Mumbai – 01.

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Mr. Anand Parchure, Advocate for petitioner
Ms Tanjwar Khan, AGP for respondent No.1
Mr T.S. Kene, Advocate for respondent No.2

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**CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATE : 17/01/2025

ORA JUDGMENT : (PER : AVINASH G. GHAROTE, J.)

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1. Heard. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsels for the respective parties.

2. The petitioner is aggrieved by the communication dated 07/04/2022 (pg.31) and the further communication dated 28/05/2024 (pg.47-D) refusing to permit the students of the petitioner/Institution enrolled in the A.N.M. and G.N.M. courses from appearing in the examination.

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3. The basic grievance is that though the petitioner was granted permission to continue the A.N.M. program with an intake capacity of 20 seats for the academic year 2021-2022 by the communication dated 30/08/2022, the last date for such enrollment being 07/04/2022 and permission to start G.N.M. program for the academic year 2021-22 with intake capacity of 50 seats by the communication dated 07/04/2022 (pg.31) the last date for enrollment was 07/04/2022, since the date for enrollment had already been expired before the grant of permission by virtue of the judgment in *Pawan Bahu-Uddeshiya Shikshan Va Samajik Vikas Sanstha through its Secretary Vs. State of Maharashtra, through its Secretary, Medical Education & Drugs Department, Manatralaya, Mumbai -32 and another, (Writ Petition No.6702/2022, decided on*

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16/01/2023) (pg.32) the petitioner was granted the following reliefs:

“(i) The order dated 09.01.2023 is modified in view of the fair statement made by the learned counsel for respondent 2 that the students of the petitioner – society shall be considered as irregular batch and an examination shall be held for them in the month of March, 2023.

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(ii) We may record that the learned counsel for the petitioner Mr. Anand Parchure has no objection if the examination is held in March, 2023, positively and the students of the petitioner – society are permitted to appear as irregular batch.”

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4. In pursuance to this, the petitioner has enrolled students in the A.N.M. and G.N.M. Courses, who have been permitted to appear in the examination time to time under the orders of this Court. The situation as of now is that the supplementary examinations are to commence from 21/01/2025.

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5. Mr. Parchure, learned counsel for the petitioner submits that since the permission to continue/commence course was granted subsequent to the last date for enrollment, the right of the petitioner and students enrolled is protected by the judgment of this Court dated 16/01/2023 in Writ Petition No.6702/2022, in view of which,

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the respondents, cannot now insist for grant of permission from the Court again before the commencement of each examination.

6. We find that since the permission to continue/commence the A.N.M./G.N.M. course was granted after/on the last date of admission, the rights of the petitioner and the students 5 admitted, would be protected by the judgment of this Court dated 16/01/2023 in Writ Petition No.6702/2022. The writ petition is, therefore, allowed by quashing the impugned communication and directing the respondents to treat the students enrolled in pursuance to the above permissions dated 30/08/2022 (pg.26) and 10 07/04/2022 (pg. 31) for A.N.M. and G.N.M. courses, to be regular admissions though an irregular batch, entitled to all the incidences as such. This is however subject to the condition that in case in the future it is found that the petitioner has not enrolled students within 15 time, the Court would not be inclined to show any indulgence to the petitioner.

7. This is also with a direction to the State that any application which is received by it, ought to be decided in a

reasonable time, much less to say well before the last date of enrollment of the students. In case we find that in the future this is not being done, we shall be constrained to impose exemplary costs upon the State not less than Rs.50,000/-.

8. We further direct the respondents to verify the 5 documents, which may be sent by the petitioner in respect of the ensuing examination. Such documents shall be sent by tomorrow and the verification shall be done by tomorrow itself and the admission card for the examination commencing from 21/01/2025, for the purpose of ensuring the appearance of the students enrolled 10 in terms of the judgment of this Court dated 16/01/2023 in Writ Petition No.6702/2022 shall also be issued. The writ petition is accordingly allowed in the above terms. Rule is made absolute in the aforesaid terms. No order as to costs.

9. Steno copy of this judgment is granted. 15

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)