



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.51 OF 2026

Ashish Prakash Timothy, R/o Hudkeshwar, Nagpur
vs.

The State of Maharashtra, Thr. Secretary, Dept. of Public Health, Mantralaya, Mumbai and
ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri G. G. Bade, Advocate for petitioner.
Shri I. J. Damle, Assistant Government Pleader for respondent Nos.1 to 3.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 13th January, 2026

Heard Shri G. G. Bade, learned counsel for the petitioner and
Shri I. J. Damle, learned Assistant Government Pleader for the
respondents.

2. The petitioner has approached this Court seeking challenge to
the impugned judgment dated 25/10/2024 passed by the Hon'ble
Maharashtra Administrative Tribunal, Nagpur in Original Application
No.78/2010.

3. The petitioner had approached the learned Tribunal seeking
challenge to the order dated 13/01/2010 whereby services of the
petitioner were terminated on the ground that the institution of
which certificate was produced by the petitioner was not recognised.
The learned Tribunal while dismissing the OA has recorded its finding
in paragraph 4 of its judgment which reads thus :

*" 4. During the course of submission, the learned counsel for the
applicant has pointed out Indian Nursing Council Act, 1947. He has
pointed out Section 11. As per this Section, any recognised
qualification shall be sufficient qualification for enrollment in any
State Register. The learned counsel for the applicant has pointed
out Certificate issued by Mid India Board of Education. This
Certificate does not show that it was recognised by the State
Government/Government of India. As per the Recruitment Rule
No.5.2, the applicant must have passed General Nursing and*

midwifery/psychiatric nursing/orthopaedic nursing/or operation theatre technique from any nursing school/college recognised by Maharashtra Nursing Council. The Recruitment Rule of 5.2 is reproduced below :-

5.2 The applicant must have passed General Nursing and midwifery/psychiatric nursing/orthopaedic nursing/or operation theatre technique from any nursing school/college recognised by Maharashtra Nursing Council.”

4. Thus, learned Tribunal proceeded to dismiss the OA on the ground that the certificate which was produced by the petitioner does not show that it was of the institution recognized by the State Government or by Indian Nursing Council.

5. Shri Bade, learned counsel has invited our attention to the certificate at record page No.37 which shows that the petitioner has studied at Reynolds Memorial Hospital, Washim. He further invited our attention to the list of Schools of Nursing recognised and permitted to admit students for the academic year 2009-2010 published by the Indian Nursing Council which is at Annexure-P-3 (page 31 to the petition). Name of Reynolds Memorial Hospital is at Serial No.1235 in the said list.

Thus, it is submitted by the learned counsel for the petitioner that the learned Tribunal has committed an error apparent on the face of record considering that the aforesaid institution was not recognised by the State Government or by the Indian National Council.

6. In view of above, we permit the present petitioner to withdraw the present writ petition with liberty to approach the learned Tribunal by filing review application pointing out the aforesaid fact.

7. Accordingly, the writ petition is disposed of with liberty as aforesaid.

8. Needless to mention that we have not gone into the merits of

the matter and the learned Tribunal is directed to decide the application, if so made, on its own merits.

9. No costs.

(Raj D. Wakode, J.)

(Anil S. Kilor, J.)