

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11260 OF 2017

Private Nursing Schools and Colleges
Management Association,
Having its registered Office at
Soniya Chambers
3rd Floor, Seven Hills,
Jalna Road, Aurangabad.
Through its President,
Dr. Balasaheb s/o Shivajirao Pawar
age 50 years, occ. social worker
r/o Plot no. G-57 N-4
CIDCO, Aurangabad.

Petitioner

Versus

1. The Union of India
Through its Secretary
Ministry of Health and Family Welfare
348, A Wing, Government of India,
Nirman Bhavan,
New Delhi.
2. The State of Maharashtra
Through its Secretary
Medical Education & Drugs Department
Mantralaya, Mumbai 32.
3. The State of Maharashtra
Through its Secretary
Social Justice and Special Assistance Department
Mantralaya, Mumbai 32.
4. The State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai 32.
5. The Indian Nursing Council
8th floor, BNCC Center, Plot No. 2

Community Center, Okhala Phase 1
New Delhi
Through its Registrar cum Secretary

6. The Maharashtra Nursing Council
5th Floor, Bombay Mittal Annex
Gunbow Street, Opp. Residency
Hotel, D.N. road, Fort, Mumbai
Through its Registrar.

7. The Maharashtra University of Health
Sciences, Mhasrool Dindori Road,
Nashik, District Nashik
Through its Registrar

Respondents

Mr. P.M. Shah, Senior Counsel instructed by Mr. S.P. Shah,
advocate for petitioner.

Mr. V.S.R. Krishna alongwith Mr. Alok Sharma, advocates for
respondent no. 5.

Mr. Bhushan Kulkarni, Standing Counsel for respondent no. 1.

Mr. S.P.Sonpawale, A.G.P. for respondents 2 to 4.

Mr. C.A. Jadhav, advocate for respondent no. 6.

Mr. Anandsingh Bayas, advocate for respondent no.7.

WITH

WRIT PETITION NO. 10639 OF 2017

Shiva Trust's
Supriyadidi Sule College of Nursing
At Wadala Mahdeo, Tq. Shrirampur
District Ahmednagar
Through its Administrative Officer
Dr. Shantanu s/o Rangnath Pawar
age 31 years, occ. service
r/o Plot No. 20, Indraparashta Housing
Society, Garkheda Parisar
Aurangabad
District Aurangabad

Petitioner

Versus

1. The Indian Nursing Council
8th floor, BNCC Center, Plot No. 2
Community Center, Okhala Phase 1
New Delhi
Through its Registrar cum Secretary
2. The Maharashtra Nursing Council
5th Floor, Bombay Mittal Annex
Gunbow Street. Opp. Residency Hotel
D.N. Road, Fort, Mumbai
Through its Registrar.
3. The Maharashtra University of Health Science
Mhasrool Dindori road,
Nashik, District Nashik
Through its Registrar
4. The State of Maharashtra
Through the Secretary for Medical
Education and Drugs Department
Mantralaya, Mumbai
5. The Commissioner / competent authority
State CET Cell, 305,
Government Polytechnic Building
Kherwadi, Bandra (East)
Mumbai.

Respondents

Mr. V.D.Hon, Senior Counsel instructed by Mr. A.V. Hon, advocate for petitioner.

Mr.V.S.R. Krishna with Mr. Alok Sharma, advocates for respondent no. 1.

Mr. C.A. Jadhav, advocate for respondent no. 2.

Mr. Anandsingh Bayas, advocate for respondent no. 3.

Mr. S.P. Sonpawale, A.G.P. for respondent no. 4.

Mr. M.D. Narwadkar, advocate for respondent no. 5.

CORAM : R.M.BORDE &

SMT. VIBHA KANKANWADI, JJ.

RESERVED ON : 5th OCTOBER, 2017.

PRONOUNCED ON : 9th OCTOBER, 2017.

OPERATIVE ORDER :

For the reasons recorded separately, writ petitions presented by petitioners deserve to be allowed.

It is held and declared that the Indian Nursing Council - respondent no. 5 herein has no authority to grant recognition to the institutions imparting nursing training such as Auxiliary Nurse and Midwife Course (ANM), General Nursing and Midwifery (GNM), Bachelor of Nursing (B.Sc.), Post Basic Bachelor of Nursing (P.B.B.Sc.) and Master of Nursing (M.Sc.).

Respondent no. 5 - Indian Nursing Council is prohibited from publishing on its website material indicating that the institutions imparting nursing course in the Maharashtra State shall have to obtain recognition from it.

At the same time, it is imperative for such institutions, imparting training in nursing in Maharashtra State, (which have not been approved by the Indian Nursing Council), the State Council and Health University to publish on its website that the degrees and diploma awarded by such institutions shall have applicability only in the State and the candidates receiving such degree or diploma would be entitled to practice within the State only. The same shall also be mentioned in the diploma and degree certificates awarded by the institutions and the Universities in this regard and, the students shall be made known regarding this restriction by giving due publicity on the website while processing admissions to such institutions.

Rule is accordingly made absolute. No costs.

SMT. VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE

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