

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
MUMBAI**

**ORIGINAL APPLICATION NO.1358 OF 2023**

**DISTRICT : NAGPUR**  
**Sub.:- Selection**

Smt. Jyoti Vijay Madane. )  
Age : 33 Yrs, Occu.: Service, )  
R/o. Pride Residency, Aradhana Nagar, )  
Dighori, Nagpur. )...**Applicant**

**Versus**

1. The State of Maharashtra. )  
Through its Secretary, )  
Medical Education & Drugs Dept., )  
Mantralaya, Mantralaya, Mumbai. )
2. Director of Medical Education and )  
Research, Having Office at )  
St. Georges Hospital Campus, )  
P.D. Mello Road, Fort, Mumbai – 1. )
3. College of Nursing, Government )  
Medical College, Nagpur, )  
(Through its Principal), having office )  
At 43GW + J2F, Wanjari Nagar, )  
Nagpur. )
4. Shri Eknath B. Bansode. )  
Age : Adult, Occu.: Service, )  
Working as Sub-District Hospital, )  
Manmad, District : Nashik. )...**Respondents**

**Shri L.S. Deshmukh, Advocate for Applicant.**

**Mrs. K.S. Gaikwad, Presenting Officer for Respondents.**

**Shri K.R. Jagdale, Advocate for Respondent No.4.**

**CORAM : Smt. Justice Mridula Bhatkar, Chairperson**  
**Debashish Chakrabarty, Member-A**

**DATE : 23.11.2023**

**JUDGMENT**

1. The Applicant is working as Staff Nurse in Government Medical College at Nagpur under the supervision of Respondent No.2 – Director of Medical Education and Research, Mumbai. She belongs to De-notified Tribe- VJ(A). She seeks directions to Respondent Nos.2 and 3 to select her against De-notified Tribe VJ(A) Seat for admission to 2 Year Degree Course of M.Sc. (Nursing) in College of Nursing; Government Medical College, Nagpur.

2. The entire case of the Applicant is based on a proposition that In-Service Candidates from DMER can be shifted to DHS and from DHS can be shifted to DMER if In Service Candidates are not available in the respective Reserved Categories (1) to (7).

3. Information Brochure and Application Form published by the Directorate of Medical Education & Research, Mumbai for current Academic Year of 2023-2024 is placed before us at Exb.'C'. Paragraph 6 pertains to 'Reservation'. Stipulation 6.1.4 pertains to filling-up of Seats in the Reserved Category (1) to (7) and if they remain vacant, then how they are to be filled-up by shifting of In-Service Candidates according to their 'Inter Group Merit'. Stipulation 6.1.4 does not mention about shifting of In-Service Candidates from DMER to DHS and DHS to DMER but it only speaks about 'Inter Group Merit' for shifting of In-Service Candidates of the Reserved Category (1) to (7). We have considered the Information Brochure and Application Form for current Academic Year 2023-2024 for admission to 2 Years Degree Course of M.Sc (Nursing) and Post Basic B.Sc (Nursing). We have also considered the Affidavit-in-Reply filed by Smt. Archana Milind Naware, Superintendent of Nursing Services on 03.11.2023.



Group Merit' from DMER to DHS or DHS to DMER. This fact can be fortified if Clause 4.1 from Medical Education & Drugs Department Circular dated 07.06.2014 is taken into account, which states as follows:-

“परिचर्या शिक्षण संस्था, मुंबई येथे एम.एससी (नर्सिंग) अभ्यासक्रमास एकूण २५ जागा मंजूर आहेत. यातील १० जागा वैद्यकीय शिक्षण व संशोधन, मुंबई, १० जागा आरोग्य सेवा संचलनालय, मुंबई सेवाअंतर्गत उमेदवारांना व उर्वरित ५ जागा महाराष्ट्र राज्यातील इतर (खाजगी) उमेदवारांना वाटप करण्यात येईल.

तसेच पी.बी.बी.एससी (नर्सिंग) अभ्यासक्रमास एकूण ३० जागा मंजूर आहेत. यातील १० जागा वैद्यकीय शिक्षण व संशोधन, मुंबई, १० जागा आरोग्य सेवा संचलनालय, मुंबई सेवाअंतर्गत उमेदवारांना व उर्वरित १० जागा महाराष्ट्र राज्यातील इतर (खाजगी) उमेदवारांना गुणवत्तेनुसार प्रवेश देण्यात यावेत. सदर प्रवेश देताना संविधानिक आरक्षणाची अंमलबजावणी करण्यात यावी.”

The Circular dated 07.06.2014 was regarding cancellation of Common Entrance Examination for admission to Post Basic B.Sc (Nursing) and M.Sc. (Nursing).

7. The total sanctioned seats for 2 Year Degree Course of M.Sc. (Nursing) as per the Information Brochure and Application Form for current Academic Year 2023-24 is 60. Out of this (a) 25 Seats are sanctioned for College of Nursing, Government Medical College, Nagpur; (b) 25 Seats are sanctioned for Institute of Nursing Education, Mumbai and (c) 10 Seats are sanctioned for Maharashtra Institute of Mental Health, Pune. The distribution of 25 Seats as per Medical Education & Drugs Department Corrigendum dated 30.08.2023 for M.Sc. (Nursing) at College of Nursing Government Medical College, Nagpur is as under:-

	Available seats	Reservation Category 50%							Total reservation 50%	Open Category 50%				Total Open Seats 50%
		SC	ST	VJ(A)	NT-B	NT-C	NT-D	OBC		Open 34%	EWS 10%	PWD 5%	Orphan 1%	
		13%	7%	3%	2.5%	3.5%	2%	19%						
	25	3.25%	1.75%	0.75%	0.63%	0.88%	0.5%	4.75%		8.5%	2.5%	1.25%	0.25	
<b>DMER</b>	<b>10</b>	1	1	0	0	1	0	2	5	3	1	0	1	5
<b>DHS</b>	<b>10</b>	1	1	1	0	0	0	2	5	3	1	1	0	5
Private	05	0	1	0	0	1	0	1	3	2	0	0	0	2
<b>Total</b>	<b>25</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>13</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>12</b>

8. Thus, there was specific allotment of seats in Reserved Categories (1) to (7) at Institution level for both DMER and DHS. We have not come across any provision that in case, In-Service Candidates in respective Reserved Categories (1) to (7) were not available; then it is permissible to allow shifting of In-Service Candidates from DMER to DHS or DHS to DMER. The Stipulation 6.1.4 even states that if seats in Reserved Category (1) to (7) remain vacant, then that is to be filled by 'Inter-se-Merit' of the In-Service Candidates from 'General Category'. It is not stated in Stipulation 6.14 that such seats in Reserved Category (1) to (7) are to be filled by shifting of In-Service Candidates from one Institution to other i.e. DMER to DHS and DHS to DMER.

9. Under such circumstances, it is difficult to conclude that the case of the Applicant is fit to be considered for admission to 2 Years Degree Course of M.Sc. (Nursing) in College of Nursing Government Medical College, Nagpur as there is no reservation for VJ(A) in the 10 seats sanctioned for DMER in College of Nursing, Government Medical College, Nagpur. Vacant seats can be filled only from among the In-Service Candidates in Reserved Category (1) to (7) according to their 'Inter Se Group' within DMER and DHS which are separate Institutions. Hence, nothing remains in the OA. The Original Application therefore stands dismissed with no order as to costs.

Sd/-  
**(DEBASHISH CHAKRABARTY)**  
**Member-A**

Sd/-  
**(MRIDULA BHATKAR, J.)**  
**Chairperson**

Mumbai  
Date : 23.11.2023  
Dictation taken by :  
S.K. Wamanse.

D:\SANJAY WAMANSE\JUDGMENTS\2023\November, 2023\O.A.1358.23.w.11.2023.Selection.doc

Uploaded on