

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION NO. 78/2010 (D.B.)**

Ashish Prakash Timothy,
Aged 30 years, occupation service,
R/o T.B. Quarters No.10/2, Ajni, Nagpur.

Applicant.

Versus

1. State of Maharashtra,
Through its Secretary,
Department of Public Health,
Mantralaya, Mumbai-32.
2. The Director of Medical Education and Research,
St. George Hospital, Compound,
4th floor, Govt. Dental College,
Near Chhatrapati Shivaji Terminus, Mumbai.
3. The Dean,
Govt. Medical College & Hospital,
Nagpur.

Respondents.

Shri G.G.Bade, Ld. Counsel for the applicant.
Shri S.A.Sainis, Ld. P.O. for the respondents.

**Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman &
Hon'ble Shri Nitin Gadre, Member (A).**
Dated: - 25th October, 2024.

JUDGMENT

Heard Shri G.G.Bade, learned counsel for the applicant and Shri S.A.Sainis, learned P.O. for the Respondents.

2. The case of the applicant in short is as under-

The applicant has undergone the training of Nursing Course. The applicant was appointed as a Staff Nurse. By the impugned order dated 13.01.2010, the services of applicant is terminated on the ground that the Certificate which he had produced of the Institution was not recognised. Therefore, the applicant has challenged the impugned order in this O.A. for the following reliefs-

A) Quash and set aside the impugned order dated 13.1.2010 issued by the respondent no.2 thereby terminating the services of the applicant and consequently direct the respondent authorities to reinstate the applicant in service with all consequential benefits.

(B) Grant such other appropriate and suitable relief in favour of the applicant, to meet the ends of justice.

8. INTERIM RELIEF:

During the pendency and final disposal of the present Original Application, stay the effect, operation, execution and implementation of the impugned order dated 13.01.2010 issued by respondent no.2 and allow the applicant to continue on his post at Govt. Medical College and Hospital, Nagpur, in the interest of justice.

3. The respondents have filed reply. In the reply in paras. 2 and 3, it is submitted that similarly situated candidates / employees approached to M.A.T., Principal Bench at Mumbai and Bench at Aurangabad by filing O.A.No.584/2009, O.A.No.65/2010 and O.A.No.71/2010. The respondents have issued the termination order because the applicant is not having qualification as per Clause No. 5.2 of the Recruitment Rules. Hence, this O.A. is liable to be dismissed.

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 a 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 Rules 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.

5. The applicant has not produced any documents to show that certificate issued by Institution is recognised by Maharashtra Nursing Council. Therefore, the respondents have issued the termination order stating that the Certificate which was produced by the applicant was not recognised by the Maharashtra Nursing Council as per the Rule. Therefore, impugned order cannot be said to be illegal. Hence, we pass the following order-

ORDER

The O.A. is dismissed with no order as to costs.

(Nitin Gadre)
Member(A)

(Justice M.G.Giratkar)
Vice Chairman

Dated – 25/10/2024.
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde.
Court Name : Court of Hon'ble Vice Chairman
& Hon'ble Member (A).
Judgment signed on : 25/10/2024.
and pronounced on
