



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6482 OF 2024

1. Amisha Vinod Sheware
Age : 25 yrs. Occupation : Student
At – Plot No. 52, New Kailash Nagar
Manewada Road, Nagpur – 440027
2. Karishma Bhaiyalal Narad,
Age: 24 yrs. Occupation : Student
At – Plot No. 18, Lane No. 11,
Vishwakarma Nagar, Parwati
Nagar, Medical Square, Nagpur-
440027
3. Hiriya Manharan Verma,
Age: 25 yrs. Occupation: Student
At – 100, Punapur Road,
Bhawani Nagar, Pardi
Nagpur – 440035
4. Mayuri Ajabrao Dhoke,
Age: 24 yrs. Occupation: Student
At – Plot No. 435, Old Ajni, Near
F/C. Godown, Wardha Road,
Nagpur, 440015
5. Sonu Raju Dangare,
Age: 24 yrs. Occupation: Student
At – Savitabai Fule Nagar, Gautam
Buddha Marg, Galli No. 2
Manewada, Nagpur – 440027
6. Isha Vinod Rangari,
Age: 24 yrs. Occupation: Student
At- Gangabai Ghat Road, Manipura
Chowk, Bhuteshwar Nagar,
Nagpur – 440002

7. Mansi Raju Wanjari,
Age: 26 yrs. Occupation: Student
At- Plot No. 79, Near Bawankar Ata
Chakki Shiv Nagar, Nagpur-
440009
8. Komal Shivaji Ingole,
Age: 30 yrs. Occupation: Student
At- Behind Besa Power House, 139
Gajanan Nager Narsala Road Besa,
Nagpur- 440034
9. Trupti Santosh Darne,
Age: 24 yrs. Occupation: Student
At- Plot No. 161 Chandmari Nagar,
Bhandewadi Road, Near Shitala
Mata Mandir, Vathoda, Nagpur -
440035
10. Dhanashree Bandu Nannaware,
Age: 24 yrs. Occupation: Student
At- Mahesh Nagar, D.G. Tukum Waard-1,
Chandrapur, Nagpur- 442401
11. Sneha Raju Kamble,
Age: 30 yrs. Occupation: Student
At- Plot No. 127, House No. 6611/A,
Manewada Road, Near NIT Garden,
Omkar Nagar, Nagpur - 440027
12. Ruchika Deepak Sayare,
Age: 25 yrs. Occupation: Student
At- Amravati Road, Behind
Vrundawan Colony, Old Futala,
Nagpur- 440033
13. Jyotsana Bhimrao Meshram,
Age: 32 yrs. Occupation: Student
At- Sawarkar Att Chakki Jawal
1745/a/46, Bapuji Ane Nagar, Dr.
Ambedkar Marg S.O. Nagpur – 440017

14. Sakshi Bhimrao Dongare,
Age: 23 yrs. Occupation: Student
At- Near Angulimal Buddha Vihar,
Ghar No. 3725 Motha Indore Nara
Road, Jaripatka, Nagpur- 440072
15. Rupali Ramesh Bagade,
Age: 35 yrs. Occupation: Student
At- Behind Milind Buddha Vihar,
Rambag, Nagpur- 440003
16. Divya Dulichand Patre,
Age: 26 yrs. Occupation: Student
At- Asti Road, MU PO Dhanla, Mauda,
Nagpur- 440072
17. Shimplify Dushant Dongre,
Age: 24 yrs. Occupation: Student
At- Gowardhan Nagar, Tumsar,
Nagpur- 440072

... **PETITIONERS**

...**VERSUS**...

1. The State of Maharashtra,
Through its Secretary, Department
of Public Health, Mantralaya,
Mumbai – 400032.
2. The State of Maharashtra,
Through its Secretary, Department
of Rural Development,
Mantralaya, Mumbai – 400032.
3. District Selection Committee,
Through its Chairman and
Collector Nagpur. Having office at
Collectors Office, Nagpur, Dist-
Nagpur.

4. Zilla Parishad, Nagpur, through its Chief Executive Officer, Nagpur, having office at Zilla Parishad Office, Nagpur, District – Nagpur.

...RESPONDENTS

WITH

WRIT PETITION NO. 3576 OF 2025

1. Pooja D/o Ankush Jadhav
Aged: 25, Occ.: Private Service,
R/o At- Warzadi, Post- Takli
Kadim, Tah-Gangapur,
Dist. Aurangabad (Chhatrapati
Sambhaji Nagar)-431002.

... PETITIONER

...VERSUS...

1. State of Maharashtra
through its Secretary,
Department of Public
Health,
Address: 10th Floor, Complex
Building Premises of GT
Hospital, Mumbai 32
2. State of Maharashtra
through its Principal
Secretary, Department of
Rural Development,
Address: 7th Floor,
Construction Building, 25,
Marzban Path, Fort, Mumbai
– 400 001
3. Chairman, District
Selection Committee, and
Collector, Amravati

Address: Collector office
Compound, Amravati Camp,
Amravati, Maharashtra – 444 602.

4. District Selection
Committee, through its
Member and Chief
Executive Officer, Zilla
Parishad, Amravati
Address: Collector office
Compound, Amravati Camp,
Amravati, Maharashtra – 444 602

...RESPONDENTS

WITH

WRIT PETITION NO. 3627 OF 2025

1. Veena D/o Manikrao
Narayankar
Age 38 yrs, Occ.Housewife,
R/o Karbala base, Ravivar
Peth, Tah-Ambejogai,
Dist-Beed- 431517

... PETITIONER

...VERSUS...

1. The State of Maharashtra
through its Secretary
Department of Public
Health,
Address: 10th Floor, Complex
Building Premises of GT
Hospital, Mumbai 32
2. State of Maharashtra,
through its Secretary,
Department of Rural
Development,
Address: 7th Floor,
Construction Building, 25,

Marzban Path, Fort, Mumbai
– 400 001.

3. District Selection
Committee, through its
Chairman and Collector,
Chandrapur.
Address: Railway Station
Road, near District Court,
Chauhan Colony, Chandrapur,
Maharashtra – 442401.
4. District Selection
Committee, through its
Member and Chief
Executive Officer, Zilla
Parishad, Chandrapur
Address: Near Priyadarshani
Square, Near Jatpura Gate,
Chandrapur – 442401.

...RESPONDENTS

WITH

WRIT PETITION NO. 3626 OF 2025

1. Akansha D/o Sunil Patil
Age 25 yrs, Occ. Student,
R/o Gautam Buddha Ward,
Nana Chowk, Kumbhare
Nagar, Dist. Gondia 441601
2. Mahima D/o Lalit Choure
Age 25 yrs, Occ. Student,
R/o Ambedkar Ward, Ward
No. 2, Khatiya, Gondia

... PETITIONERS

...VERSUS...

1. State of Maharashtra
through its Secretary
Department of Public

Health,
Address: 10th Floor, Complex
Building Premises of GT
Hospital, Mumbai- 32.

2. State of Maharashtra
through its Principal
Secretary, Department of
Rural Development,
Address: 7th Floor,
Construction Building, 25,
Marzban Path, Fort, Mumbai
– 400 001.
3. Chairman, District Selection
Committee, and District
Collector, Gondia
Address: Amgaon Road,
Administrative Building, Zilla
Parishad, Gondia -441601
4. District Selection
Committee, through its
Member and Chief
Executive Officer, Zilla
Parishad, Gondia.
Address: Amgaon Road,
Administrative Building, Zilla
Parishad, Gondia -441601.

...RESPONDENTS

WITH

WRIT PETITION NO. 5620 OF 2024

1. Kiran Ganesh Waghmare,
Aged about 26 years, Occ: Nil,
R/o. Mochipuri, Surji Anjangaon,
District Amravati.
2. Shital Dipak Kale, Aged about 35
years, Occ: Nil, R/o. Darav Nagar,
Murtizapur, District Akola

3. Vrushali Vasantao Chavhan,
Aged about 26 years, Occ: Nil,
R/o. Post Punoti, Tq. Barshitakli,
District Akola
4. Mayuri Shamrao Warthe, Aged
about 26 years, Occ: Nil, R/o. Post
Punoti, Tq. Barshitakali, District
Akola
5. Shubhangi Bhaskar Wankhede,
Aged about 25 years, Occ: Nil,
R/o. At Katkhed, Tq. Barshitakali,
District Akola
6. Priti Rameshwar Ingale,
Aged about 29 years, Occ: Nil,
R/o. At Post Chikhalgaon, District
Akola.
7. Swati Vasantao Shende,
Aged about 27 years, Occ: Nil,
R/o. Nimboli, Telhara, Akola
District Akola
8. Jayashri Pralhad Wastkar,
Aged about 29 years, Occ: Nil,
R/o. Ganesh Nagar, Akola, District
Akola.
9. Samiksha Padmakar Khandae,
Aged about 26 years, Occ: Nil,
R/o. Kadaki, Akola, District Akola.
10. Sushma Ashish Sonone,
Aged about 26 years, Occ: Nil,
R/o. Mathi Umari, Akola , Dist: Akola
11. Bhagyashri Premchand Jadhav,
Aged about 29 years, Occ: Nil,

R/o. Patur, Akola, District Akola

12. Pooja Manohar Gurjar, Aged about 32 years, Occ: Nil, R/o. Sanguld B., Akola, District Akola

... **PETITIONERS**

...**VERSUS**...

1. The State of Maharashtra, Through its Secretary Department of Public Health, 10th Floor, Complex Building Premises of GT Hospital, Mumbai-32.
2. State of Maharashtra, through its Secretary, Department of Rural development, Mantralaya, Mumbai-32
3. District Selection Committee, through its Chairman and Collector, Akola
4. District Selection Committee, through its Member and Chief Executive Officer, Zilla Parishad Akola.
5. Zilla Parishad Akola, through its Chief Executive Officer, Akola.

...**RESPONDENTS**

WITH

WRIT PETITION NO. 3581 OF 2025

1. Sakshi D/o Vijay Tayde Age 25 yrs, Occ. Private, R/o Nimba, Tah -Balapur Dist -Akola, 444311.

2. Dipali D/o Pradip Shelke
Age 30 yrs, Occ. Private,
R/o At Post Sirpur
Tah & Dist- Buldhana,
443001.

... **PETITIONERS**

...**VERSUS**...

1. The State of Maharashtra,
Through its Secretary
Department of Public
Health,
Address: 10th Floor, Complex
Building Premises of GT
Hospital, Mumbai 32.
2. State of Maharashtra
through its Principal
Secretary, Department of
Rural Development,
Address: 7th Floor,
Construction Building, 25,
Marzban Path, Fort, Mumbai
– 400 001.
3. District Selection
Committee, through its
Chairman and Collector,
Buldhana
Address: Collector's Office
Campus, State Bank Chowk
Road, Chaitanyawadi,
Buldhana, Maharashtra -
443001
4. District Selection
Committee, through its
Member and Chief
Executive Officer, Zilla
Parishad, Buldhana.
Address: Near Jaistamb

Chowk, Chaitanyawadi,
Buldhana – 443001.

...RESPONDENTS

WITH

WRIT PETITION NO. 6481 OF 2024

1. Prajakta Vilas Meshram,
Age: 24 yrs.Occupation: Students
At- Khedepar Road, Sawari,
Bhadara - 441804
2. Riya Umesh Patil,
Age: 25 yrs, Occupation: Students
R/o - Sant Tukdoji Ward Hinganghat - 442301
3. Prachi Prabhudas Rangari
Age:27 yrs,Occupation: Students
At- Plot No. 40, Nara Road, Near
Water tank, Nirmal Tank, Nirmal
Colony, Jaripatka, Nagpur
440014.
4. Ketki Shashank Bhujade,
Age: 27 yrs, Occupation: Students
At- Near Ram Mandir, VTC:
Pindkepar, Sakoli- 441802
5. Priyanka Rajkumar Sangole,
Age: 28 yrs, Occupation: Students
At- C/O Bolde Karad, Ward No. 1,
Arjuni/Mor, Bolde, Gondhiya - 441701
6. Pragati Pathapal Meshram,
Age:26 yrs.Occupation: Students
R/o - Dhiwaru Kanhikar Gram Panchayat Chowk,
Pohara, Dist- Bhandara 441809
7. Devki Vishweshwar Kumare,
Age 27 yrs, Occupation: Students
At-Post- , Churchura Mal, Churchura
Gadchiroli – 442605

8. Divya Bisram Bisen,
Age : 24 yrs. Occupation: Students
At- Tekari, Po- Kalimati Ta, Amgoan
Gondiya- 441902
9. Shital Tejkant Bhuldhane ,
R/o - At Bhimanagar (Isasani), CRPF Gate-2,
near Lata Mangeshkar Hospital,
Hingna, Nagpur
Age: 28 yrs. Occupation: Students
10. Priya Subhanrao Rahangdale
Age: 24 yrs. Occupation: Students
Badi galli, Matruchya Bhawan, Fulchur,
VTC Fulchur, Gondiya- 441601
11. Payal Yadav Khobragade,
Age: 24 yrs, Occupation: Students
At- C/O, Khodshivani, Sadak Arjuni,
Gondiya - 441801
12. Devyani Anandrao Badole,
Age: 25 yrs, Occupation: Students
At- Palasgav, Bhandara- 441809
13. Pragati Santosh Nimbarte,
Age: 24 yrs, Occupation: Students
At- Nehru Ward At- Po- Pahela
Bhandara- 441924
14. Varsha Narendrakumar Chowre,
Age: 26 yrs, Occupation: Students
R/o- At Bagholi, Post - kafi, Dist - Gondia - 441614
15. Khushbu Sanjay Meshram
Age: 22 yrs, Occupation: Students
Add: Chichtola, Sadakarjuni Gondia,
441802.

...VERSUS...

... PETITIONERS

1. The State of Maharashtra,
Through its Secretary, Department of
Public Health, Mantralaya, Mumbai –
400032.
2. The State of Maharashtra,
Through its Secretary, Department of
Rural Development, Mantralaya,
Mumbai – 400032.
3. District Selection Committee, Through
its Chairman and Collector Gondia.
Having office at Collectors Office,
Gondia, Dist- Gondia.
4. Zilla Parishad, Gondia, through its Chief
Executive Officer, Gondia, having office
at Zilla Parishad Office, Gondia, District
– Gondia.

...RESPONDENTS

WITH

WRIT PETITION NO. 3574 OF 2025

1. Minakshi W/o Sidharth
Dongre
Age 27 yrs, Occ: Housewife,
R/o, At Po. Rangari Sudan
Mahuli Mohalla, Balaji Chouwk
Nawegaon Bandh, Ta. Arjuni
Morgaon, Dist. Gondia 441702
2. Shital W/o Namdeo
Sonwane
Age 27 yrs, Occ. Housewife,
R/o Nehru Nagar, Tumsar,
Ta. Tumsar, Dist. Bhandara
441912
3. Shweta D/o Rajkumar
Barayawane

Age 24 yrs, Occ: Student,
R/o, At Po. Mitewani. Tah.
Tumsar, Dist. Bhandara
441912

4. Giteshwari D/o Rajkumar
Barayawane
Age 25 yrs, Occ. Student,
R/o At Po. Mitewani. Tah.
Tumsar, Dist. Bhandara
441912
5. Radha W/o Dhanraj
Nipane
Age 39 yrs, Occ. Housewife
R/o Plot No. 85/8, Type II,
Jawaharnagar, Tah. & Dist.
Bhandara 441906
6. Ritu D/o Manoj Hatwar
Age 25 Yrs, Occ. Student
R/o Bhandara, Sant Kabir
Ward, Bhandara 441904
7. Achal D/o Dhanaanjay
Halmare
Age 23 Yrs, Occ. Student,
R/o Dighori, Ta Lakhani,
Dist. Bhandara 441809.
8. Priyanka D/o Suresh
Wanjari
Age 30 Yrs, Occ. Private
R/o At Tekepar, Post
Monegaon
Tah & Dist Bhandara.
441809.

... **PETITIONERS**

...**VERSUS**...

1. State of Maharashtra through its Secretary, Department of Public Health, Address: 10th Floor, Complex Building Premises of GT Hospital, Mumbai 32
2. State of Maharashtra through its Principal Secretary, Department of Rural Development, Address: 7th Floor, Construction Building, 25, Marzban Path, Fort, Mumbai – 400 001
3. Chairman, District Selection Committee, and Collector, Bhandara Address: National Highway 6, Police Campus, Bhandara, Maharashtra – 441904
4. District Selection Committee, through its Member and Chief Executive Officer, Zilla Parishad, Bhandara Address: National Highway 6, Police Campus, Bhandara, Maharashtra – 441904

...RESPONDENTS

Mr. S. A. Walde, counsel for petitioner(s) in respective petitions.
Mr. S. S. Dhengale, counsel for petitioner(s) in W.P. 5620/24.
Mr. Nitesh Bhutekar, counsel for petitioner(s) appeared thr. V.C. & Mr. A. S. Chakotkar, counsel for petitioner(s) in 6481 & 6482/24.
Mr. N. R. Patil, AGP for respondent nos. 1 to 3/State.
Ms. H. N. Jaipurkar h/f Mr. B. N. Jaipurkar, counsel for respondent no. 4 in W.P. 3576/25, 3627/25.

Mr. A. M. Dixit, counsel for respondent no. 4 in WP3626/25.
Mr. U. J. Deshpande, counsel for respondent no. 5 in 5620/24.
Mr. A.Y. Kapgate, counsel for respondent no. 4 (thr. V.C.) in 6481/24.
Mr. G.G. Mishra, counsel for respondent no. 4 in 6482/24.
Mr. S. R. Dheple & Mr. V. M. Kulsange, counsel for the intervenor in
6482/24.

**CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

RESERVED ON : 13th MARCH, 2026.
PRONOUNCED ON : 27th MARCH, 2026.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

1. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.
2. All these writ petitions raise identical challenges and therefore are being decided by this common judgment. As far as Writ Petition No. 6482 of 2024 is concerned, (which we have treated as the lead petition vide order dated 21.01.2026), it prays for quashing and setting aside the communication dated 30.09.2024. It further prays for a writ, thereby directing the respondent no. 4 herein to correct the list published on 07.10.2024, as also declaring and including the names of the petitioners as

eligible and qualified candidates and issuing appointment orders to the petitioners.

3. The facts can be narrated in a short compass are as under:-

(a) The respondent no. 4, which is the Zilla Parishad, Nagpur, published an Advertisement No. 01 of 2023 concerning the direct recruitment process for Group C for various posts coming under the said group, and applications were invited for those posts. The applications, which were to be filed online, included 308 posts for Nurse/ Health Worker (Female). The requisite qualification for the said posts is a qualified nurse and who are registered with the Maharashtra Nursing Council or Vidarbha Nursing Council.

(b) It is the contention of the petitioners that some of the petitioners are qualified as General and Nursing Midwife (herein after referred to as 'GNM') and the remaining hold qualification as B.Sc. (Nursing). But all these petitioners are registered with the Maharashtra Nursing Council.

(c) Pursuant to the said advertisement, all the petitioners applied for the said post by submitting their respective applications by online mode. It is the contention of the petitioners that the online portal specifically gave options in the qualification, either the “Qualified Midwives” or “Qualified Auxiliary Nurse Midwives”.

(d) After submission of the said forms, the same were accepted and exam was conducted on 16.06.2024 in which the petitioners appeared. The petitioners were declared qualified in the result which was declared on 17.07.2024. On the same day, a list was published by the respondent no. 4 according to which 364 candidates were declared as qualified and the names of all the petitioners were included.

(e) It is further contended that all the candidates including the petitioners were called for verification of their respective documents from 7th to 10th of August, 2024.

(f) The documents of all the petitioners were verified and a list was published on the website of the respondent no. 4 wherein the candidates having qualification of Auxiliary Nurse Midwife (herein

after referred to as 'ANM') were declared qualified and names of 16 ANM candidates was kept in the waiting list. In the said list, the name of the petitioners and other similarly situated candidates having qualification of GNM and B.Sc. (nursing) were not included though all these candidates cleared the exams and were declared as qualified.

(g) Being aggrieved by this, the petitioners approached the respondent no. 4 on 09.10.2024 to know the reasons of their exclusion from the list. Upon enquiry, the petitioners were given a copy of letter dated 30.09.2024 which was addressed to the respondent no. 4 by the respondent no. 2. According to this letter, the syllabus of ANM, GNM and B.Sc. (nursing) and their durations are different. It further states that though GNM and B.Sc. (nursing) are having higher qualification than ANM, the candidates having ANM qualification are only qualified for the said post.

(h) Thereafter, the petitioners again approached the respondent no. 4 vide their communication dated 11.10.2024 requesting the said respondent not to issue appointment orders till the result of the writ petitions which are filed before this Court. It is in this backdrop

that the petitioners have approached this Court by filing the present Writ Petition.

4. The learned counsel for the respondent no. 4 has filed an affidavit-in-reply and strongly opposes the contentions. Respondent no. 4 contends that persons like petitioners, who are holding the qualifications of GNM or B.Sc. (Nursing), are eligible to be appointed on the post of “Staff Nurse” and not on the post of “Auxiliary Nurse Midwife”.

5. He further points out that the post of ANM are appointed under the Primary Health Centres under the Zilla Parishad and their responsibility includes assisting patients with daily activities like bathing, dressing and feeding, and for the said post the requisite qualification is 2 years Diploma Course that focuses on preparing nurses to work as Community Work Helpers.

6. It is further contended in the reply that GNM are appointed under the hospitals run by the State Government as a Staff Nurse and their services includes patient care, administering medications, assisting doctors, and supporting maternal and child health. It is

therefore contended that under the Zilla Parishad, i.e., the respondent no. 4, there is no post of Staff Nurse.

7. As far as the submission and acceptance of applications are concerned, the respondent no. 4 submits that the said respondent was not aware about the qualifications of the petitioners as the applications were submitted online via , which has conducted the recruitment drive. It was only at the time of verification of documents that the answering respondent found that the petitioners were not eligible to apply for the post of ANM. Thus, the answering respondent prays for dismissal of the petition.

8. We have heard the learned counsels for the respective parties, and with their able assistance also gone through the record of the matter and the judgments relied upon by them.

9. The learned counsels for the petitioners submit that the petitioners' applications were accepted online in view of the specific option which was given that whether the candidate falls under the qualification GNM as also B.Sc. (nursing). It is, therefore, the contention of the petitioners that if the respondents always wanted

candidates having qualification of ANM, the forms of the petitioners and the similarly situated candidates ought not to have been accepted. It is further contended that the contention of the respondent that the candidates having the qualification of GNM and B.Sc. (Nursing) are overqualified and therefore cannot be selected is completely contrary to the settled canons of law. In this regard the petitioners point out that the syllabus of ANM is covered in detail in the courses of GNM as well as B.Sc. (Nursing), and further that the course of ANM is 2 years, whereas the duration of the course of GNM is 3 years and B.Sc. (Nursing) is for 4 years which speaks for itself.

10. It is the further contention of the petitioners that the respondents have completely misinterpreted the provisions of the Maharashtra Zilla Parishad District Services (recruitment) Rules, 1967. They point out that the advertisement is for the post of “Health Worker (Female)” (Aarogya Paricharika) whereas the respondents are applying the qualification of ANM. It is, therefore, the contention of the petitioners that the entire action is totally illegal.

11. Strongly opposing the grounds raised by the counsel for the petitioners, the respondents, by taking us through the reply filed by them, reiterate the contentions in the said reply and submit that only because the names of the petitioners appeared in the qualified candidates would not, *ipso facto*, give them a right to the said post.

12. The learned counsel for the respondent relies on a judgment of *Md. Firoz Mansuri and others vs. The State of Bihar and others* of the Hon'ble Apex Court arising out of SLP (Civil) No. 12236 of 2025.

13. The intervenors who were permitted to intervene have also advanced their submissions and supported the respondents. In addition to this, they rely on the judgment of this Court at the *Bench at Aurangabad in Writ Petition No. 13945 of 2025* to submit that an identical controversy arose before the Aurangabad Bench, and the coordinate bench of this Court, by taking overall view of the matter, was pleased to dismiss the petition.

14. We have considered the contentions canvassed by the learned counsels for the respective parties including the intervenors.

15. Before proceeding further, it would be relevant to extract some relevant provisions of the Maharashtra Nurses Act, 1966 (hereinafter referred to as 'Act of 1966'). The said act was brought on the statute book with an aim to unify and make better provision in law regulating registration and training of nurses in the State of Maharashtra and to provide for matters connected with the purposes aforesaid. Section 2(k) defines "Nurse" as under.

"2(k) "Nurse" includes male nurse, auxiliary nurse, public health nurse, midwife, auxiliary nurse-midwife and health visitor;"

16. Thereafter, Section 17, which finds a place in chapter III (Registration and Enlistment) of Act of 1966 and more particularly sub-Section 3, is as under.

"(3)(a) Any person, who has undergone such courses of training, has passed such examinations and fulfils such other conditions as may be prescribed, or any person who possesses any of the qualifications included in the Schedule to the Indian Nursing Council Act, 1947, shall, subject to any conditions laid down by or under the said Act, at any time on an application made in the prescribed form to the Registrar and on payment of the prescribed fee and on presentation of

his degree, diploma or certificate, be entitled to have his name entered in the Register :

Provided that, the name of an applicant who is unable to present his degree, diploma or certificate may be entered in the Register, if he satisfies the President that he holds such degree, diploma or certificate but cannot for sufficient cause present the same with his application.

(b) Such person shall specify in the application the Region in which he desires to be registered and shall not be entitled to be registered in more than one Region :

Provided that, if he fails to specify the Region in which he should be registered, the Council shall have the power to enter his name in the Region in which his address is situated and if no address in the State is given in such Region as the Council may, after considering all other particulars submitted by the applicant, decide.”

17. The State of Maharashtra has framed rules in this regard, i.e., the Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967, the relevant clauses are as under:-3

“APPENDIX V: Rules laying down the qualifications of candidates for and methods of appointment to the posts included in the District Technical Service (Class III) (Health) and District Service (Class III) (Subordinate Health)

Public Health Nurse	<p>(1) [Appointment shall be made either by]-</p> <p>[(a) promotion of suitable Nurse Med-wives for for Health Visitors) who possess the certificate in Public Health Nursing or B.Sc. degree in nursing recognised by the [Indian Nursing Council or];</p> <p>[(b) nomination from amongst candidates who-</p> <p>(i) unless already in the service of the Zilla Parishad are not more than 40 years of age;</p> <p>(ii) are qualified Nurses, Midwives and are registered with the Maharashtra Nursing, Council or Vidarbha Nursing Council or are eligible for such registration; and</p> <p>(iii) hold the certificate in Public Health or B.Sc. degree in nursing recognised by the Indian Nursing Council).</p> <p>(2) The ratio for appointment by promotion and nomination shall be 50:50</p>
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Auxiliary Nurse-Midwife	<p>Appointment shall be made by nomination from amongst candidates who-</p> <p>(i) unless already in the service of the Zilla Parishad are not more than 40 years of age; and</p> <p>(ii) are qualified Midwives or qualified Auxiliary Nurse-Midwives and are registered with the Maharashtra Nursing Council or Vidarbha Nursing Council or are eligible for such registration</p>
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18. Thereafter, relevant clauses of the Advertisement No. 01 of 2023, which is the subject matter, are as under:-

I) Clause 3.15 states that after a preliminary scrutiny of the applications from the eligible candidates, permission would be granted to appear in the examination. It, however, further contemplates that only because the exam has been cleared by the candidate would not *ipso facto* give him any right to selection.

II) Clause 17.9 further reiterates the position that only because an application is made online or there is eligibility, or

the candidate has appeared in the exam or his documents are called for verification would not confer a right to the concerned candidate. The employer/respondent Zilla Parishad has also reserved its right to cancel the candidature of the candidate at any stage.

III) Clause 17.21 further clears an ambiguity that if some clauses in the advertisement in question are contrary to the Government Resolution, in that case the Government Resolution or the decision of the Government would be final.

IV) Clause 17.22 further contemplates that the entire recruitment process would be in accordance with the eligibility, the Rules, or the Government Resolutions to be issued from time to time and can be changed in accordance with the same.

19. It is, therefore, clear that only because the candidates like the petitioners herein have submitted online applications, appeared for the exam, and cleared the same, would not on its own vest them with any right.

20. Furthermore, the contentious clause which falls for consideration is found in Serial No. 4 of Clause No. 7, which is reproduced as under:-

अ. क्र	पदाचे नाव	शैक्षणिक अर्हता व अनुभव
४	आरोग्य परिचारिका [आरोग्य सेवक (महिला)]	ज्यांची अर्हता प्राप्त साह्यकारी प्रसाविका आणि महाराष्ट्र परिचर्या परिषदेमध्ये किंवा विदर्भ परिचर्या परिषदेमध्ये नोंदणी झालेली असेल किंवा अशा नोंदणीसाठी जे पात्र असतील.

21. In the conspectus of these facts, if the name of the post advertised and the qualifications prescribed therein are perused, the name is आरोग्य परिचारिका [आरोग्य सेवक (महिला)], but the qualification is of Auxiliary Nurse Midwife as is clear from Clause 3(x) of appendix V, appended to the said rules reproduced above. However, the post advertised is under Clause 2 (v) of the said appendix. It is, therefore, obvious that the prescribed qualification is of an ANM, i. e., साह्यकारी प्रसाविका, but the name of the post is आरोग्य परिचारिका, i.e. Public Health Nurse. Thus, the nomenclature of the post and the qualification prescribed therein are ambiguous.

22. It is also pertinent to note that the advertisement specifically mentions eligibility criteria in order to qualify for the said post. As per the advertisement the candidates should possess a valid registration certificate issued by Maharashtra Nursing Council or Vidarbha Nursing Council, highlighting their registration as 'ANM'. However, as can be seen from the annexed registration certificates of the petitioners, they possess a certificate reflecting either as 'Nurse' or 'Midwife' or as 'Nurse and Midwife', but not as 'Auxiliary Nurse Midwife' as mandated by the advertisement.

23. The impugned letter in this regard at this juncture assumes significance. By way of the said letter, the State has made it clear that ANM, GNM and B.Sc. (Nursing) all these three courses are different, since their eligibility, duration, and curriculum are not similar. The said letter also makes it clear, that even though the qualification of GNM and B.Sc. (Nursing) are higher qualification, they cannot perform the duties of ANM, and therefore ANM cannot be eligibility for appointment of Auxiliary Nurse Midwife.

24. Furthermore, the fact which is not disputed is that, the Zilla Parishad is not empowered to appoint Staff Nurse, which is the domain of the State Government. It is, therefore, clear that what the advertisement contemplated is the post of Auxiliary Nurse Midwife, i.e., ANM only.

25. The learned counsels for the petitioners have placed reliance on the judgments in the case of *Chandra Shekhar Singh and others Vs. State of Jharkhand and others* reported in (2025) 9 SCC 740. However, a careful perusal of the judgment of the Hon'ble Apex Court would reveal that the question which fell for consideration was the definition of the term "degree". By elaborating the entire case law on the subject and taking into consideration the factual aspect of the matter, the Hon'ble Apex Court held that since a special reference to the Master's degree is made even in the rule in question, it is only for those who have acquired their degree course in the Chemistry subject(as mentioned in the rule). However, as far as other subjects are concerned, a person having any degree, be it graduation or post graduation, would be equally qualified for the post in question.

26. The next judgment relied on by the learned counsel for the petitioners is in the case of *Dr. Rajendra Shankar Mahamuni vs. Fergusson College and others*, reported in 2025 SCC OnLine Bom 3171. However, this judgment deals with the methodology to be adopted in case of ambiguity in the Marathi version and the English version of the Government Resolution in question. Even the Full Bench judgment in *Vasantrao Naik Marathwada Krishi Vidyapeeth Through Its Registrar Vs. Ganpat Maroti Sutare and others* has not answered the question referred to it. The said question was regarding the applicability of either the old pension scheme or the Defined Contributory Pension Scheme, whether the word "नियुक्ती" in (appointment) as set out in the Government Resolution dated 31.10.2005 in the State language, Marathi, would be decisive or whether the word "recruitment" ("भरती प्रक्रिया") appearing in the English version should apply.

27. The judgment of the Constitution Bench in *Tej Prakash Pathak and others Vs. Rajasthan High Court and others*, relied on by the learned counsels for the petitioners, is reported in (2025) 2 SCC 1. The questions which fell for consideration of the Hon'ble Apex Court are reproduced as under:-

“21. To effectively analyse and adjudicate upon the questions referred, we would divide our discussion into following parts:

21.1. (a) When the recruitment process commences and comes to an end;

21.2. (b) Basis of the doctrine that “rules of the game” must not be changed during the course of the game, or after the game is played;

21.3. (c) Whether the decision in K. Manjusree is at variance with earlier precedents on the subject;

21.4. (d) Whether the above doctrine applies with equal strictness qua method or procedure for selection as it does qua eligibility criteria;

21.5. (e) Whether procedure for selection stipulated by Act or Rules framed either under the proviso to Article 309 of the Constitution or a statute could be given a go-by;”

21.6. (f) Whether appointment could be denied by change in the eligibility criteria after the game is played.”

28. The answers to these questions are found in para 65 of the judgment referred to supra, which are as under:-

“65. We, therefore, answer the reference in the following terms:

65.1. Recruitment process commences from the issuance of the advertisement calling for applications and ends with filling up of vacancies;

65.2. Eligibility criteria for being placed in the select list, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;

65.3. The decision in K. Manjusree lays down good law and is not in conflict with the decision in Subash Chander Marwaha. Subash Chander Marwaha deals with the right to be appointed from the select list whereas K. Manjusree deals with the right to be placed in the select list. The two cases therefore deal with altogether different issues;

65.4. Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end provided the procedure so adopted is transparent, non-discriminatory/non-arbitrary and has a rational nexus to the object sought to be achieved;

65.5. Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the rules are non-existent, or silent, administrative instructions may fill in the gaps;

65.6. Placement in the select list gives no indefeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list.”

29. In the recent judgment of ***Md. Firoz Mansuri and others vs. The State of Bihar and others*** (*supra*), the question was whether the High Court erred in upholding the constitutional validity of the Bihar Pharmacist Cadre Rules, 2014 (as amended by the Bihar Pharmacist Cadre (Amendment) Rules, 2024). More particularly, the question was whether candidates holding Bachelor or Master of Pharmacy degrees, without possessing a Diploma in Pharmacy, satisfy the minimum eligibility criteria prescribed for appointment to the post of Pharmacist (basic category) under the said Rules.

30. After evaluating all the law on the subject, Hon'ble Apex Court held that it is for the employer to determine and decide the relevancy and suitability of qualifications. The power of judicial review in matters of recruitment is limited to examining legislative competence, arbitrariness, or violation of Fundamental Rights, if

any. It was further held that the Courts cannot rewrite Service Rules, determine equivalence of qualifications, or substitute their own assessment for that of the employer. The scope of judicial review in matters of public employment does not extend to questioning the State's wisdom or policy in prescribing the minimum eligibility requirements for public posts. Qualifications are prescribed keeping in view the needs and interests of an institution, an industry or an establishment as the case may be.

31. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State as the recruiting authority to determine. The assessment of the expediency, advisability, or utility of such prescription of qualifications does not warrant intervention of the Court unless the same is shown to be perverse.

32. The Hon'ble Apex Court on these grounds held that the decision of the State in making possession of a diploma an essential qualification for appointment cannot be said to be arbitrary, and the State has merely identified a narrower catchment of candidates it

considers more suitable for a particular purpose from within the larger pool of registered pharmacists. Therefore, it went on to dismiss the petition.

33. As stated in *supra*, the coordinate Bench of this Court sitting at Aurangabad in **Writ Petition No. 13945 of 2025, *Priyanka Sidu Nimse Vs. The State of Maharashtra and others***, by taking into consideration an almost identical situation and referring to ***Zahoor Ahmad Rathar v. Sheikh Imtiyaz Ahmad*, (2019) 2 SCC 404**, has recorded a finding that if any such rule is absent, it would not be permissible to draw an inference that a higher qualification necessarily presupposes the acquisition of another, *albeit* lower qualification. The prescription of qualifications for the post is a matter of recruitment policy. The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review.

34. We are in respectful agreement with the view of the Hon'ble Apex Court as found in the judgment of the coordinate Bench referred *supra*. The coordinate Bench has also rightly referred to the judgment of the Hon'ble Apex Court in the case of ***State of Rajasthan v. Lata Arun*** ((2002) 6 SCC 252) wherein the same proposition was repeated with lucidity. It is, therefore, clear that even if a qualification of a candidate appears to be higher, he cannot claim eligibility unless the rules themselves recognize such qualification as equivalent. Thus, time and again, the courts have emphasized that recruitment rules must be strictly construed and the courts cannot dilute the eligibility criteria on the ground of perceived superiority of qualifications.

35. In fact, the same view was reiterated in ***Yogesh Kumar v. Government of NCT of Delhi*** reported in (2003) 3 SCC 548. If the factual averments in the petition are analyzed on the touchstone of the settled law referred to *supra*, we are unable to persuade ourselves to the contentions canvassed by the learned counsels for the petitioners. Even though it is clear that there is some ambiguity in the advertisement issued by the Zilla Parishad, that cannot *ipso*

facto cloth the petitioners with the right to be approved on for the post of ANM.

36. As we have observed *supra*, the Zilla Parishad cannot and could not have advertised the post of Staff Nurse, it is, therefore, clear that the posts which were advertised were in fact ANM, for which qualifications are mentioned *supra*.

37. The learned counsels for the petitioners had tried to differentiate the said judgment by contending that the petitioners are even otherwise qualified Midwives and therefore, even as per eligibility of Clause 3(x), they are qualified. We are also not in agreement with this contention for obvious reasons. Firstly, the State of Maharashtra, who is the ultimate interpreter of the rule, has made it unequivocally clear vide its letter dated 30.09.2024 regarding the same, the contents of which are reproduced *supra*. It is, therefore, in that view of the matter, and in view of the fact that it is the employer and the State of Maharashtra who is the final arbiter to interpret the rules, the claim of the petitioners cannot be entertained.

38. It is also pertinent to note that the learned counsel appearing for the petitioners has not, under any of the prayer clauses in the present petition/s, laid a challenge to the concerned advertisement.

39. The petitions are, therefore, without merit and are accordingly dismissed.

40. Rule accordingly stands discharged. No order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Shubham