



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

Writ Petition NO.06/2026

Dr.Rekha Vikas Shirsat Vs. State of Maharashtra and another

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

*Court's or Judge's order*

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Mr.D.J.Kanwale, Advocate for petitioner.  
Mr.Niraj Jawade, AGP for respondent no.1.

**CORAM : ROHIT W.JOSHI, J.**  
**DATE : 01.01.2026**

1. Leave to correct the date of impugned order in the body of the petition is granted.
2. Necessary amendment be carried out forthwith.
3. Issue notice to the respondents, returnable on 8<sup>th</sup> January, 2026.
4. Mr. Niraj Jawade, learned AGP waives service of notice on behalf of respondent no.1.
5. The petitioner is aggrieved by the order dated 28.12.2025 passed under the Maharashtra Nursing Homes Registration Act cancelling the registration of nursing home of the petitioner by name 'Shivam Surgical & Maternity Nursing Home', Deshpande Layout, Nagpur.
6. The learned Advocate for the petitioner states that an order passed under Section 7 of the Maharashtra Nursing Homes Registration Act is subject to the appeal under Section 8(3) of the Act. Perusal of Section 8(3) of the Act will demonstrate that the limitation of filing an appeal is of one month. Perusal of Section 8(4) of the Act demonstrates that an order of cancellation of registration of nursing home shall come into force only upon expiration of calendar month from the date on which the order is issued. The learned Advocate for the petitioner states that the petitioner intends to file statutory

appeal, as provided under the Act. However, the impugned order indicates that the same is brought into force with immediate effect.

7. In view of the scheme of the statute, the operation of the impugned order dated 28.12.2025 is stayed till the returnable date.

8. It is further clarified that this Court has not granted stay to the order dated 18.11.2025, passed against the petitioner under the provisions of the Medical Termination of Pregnancy Act, 1971 or any other order that may have been passed under the said Act or the Pre-conception And Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. Necessary precautionary measures such as seizure machinery, equipment etc. can be taken by the respondent-authorities to ensure compliance of orders which are not stayed including order dated 18.11.2025.

9. The petitioner is directed to file affidavit that procedure of termination of pregnancy and steps for sex determination shall not be undertaken at the clinic. Affidavit be filed before 03.01.2026.

**(ROHIT W. JOSHI, J.)**