

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Civil Writ Petition No. 1836/2024

Public Rose Shiksha Samiti, (Sanskar Bharti College Of Nursing),
Halena Road, Sarsena, Bharatpur, Rajasthan, Through Its
Secretary Shri Santosh Kumar S/o Shri Dwarika Prasad Aged
About 37 Years.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary,
Medical And Health Department, Government Of
Rajasthan, Government Secretariat, Jaipur (Rajasthan).
2. Rajasthan Nursing Council, Through Its Registrar, B-39,
Sardar Patel Marg, C-Scheme, Jaipur (Rajasthan).
3. Rajasthan University Of Health And Science, Through Its
Registrar, Kumbha Marg, Partap Nagar, Jaipur, Rajasthan.
4. Rajasthan Private Nursing Schools And Colleges
Federation, Through Its President 357, Laxmi Nagar,
Paota B Road, Jodhpur, Rajasthan - 342001.

-----Respondents

For Petitioner(s)	:	Mr. Ankur Mathur
For Respondent(s)	:	Mr. Manish Vyas, AAG through VC

HON'BLE DR. JUSTICE NUPUR BHATI

Order

09/02/2024

Learned counsel for the petitioner submits that despite the
inspection report being in favour of the petitioner as no infirmity
has been pointed out, the respondents have yet not granted NOC
in favour of the petitioner. Learned counsel for the petitioner
further submits that the petitioner would suffer an irreparable loss
if he is not permitted to participate in the ongoing counselling.

Learned AAG, Mr. Manish Vyas submits that the grant of NOC is pending consideration before the Scrutiny Committee and as and when the decision is taken, accordingly, the order would be passed by the Committee. Learned AAG further submits that the second round of counselling is ongoing.

In the meanwhile, it is ordered that if any round of counselling is held by the State Government, then the petitioner will be provisionally ordered to participate in the counselling after the payment of due fees, if any, for the purpose of admission to the B.Sc. Course in the upcoming Academic Session 2023-2024, as per the annual intake capacity of seats sanctioned by the Rajasthan Nursing Council.

However, it is made clear that inclusion of petitioner-institution for allotment of students and admission accorded in pursuance thereto, shall not create any right of equity in favour of the petitioner-institution or the students admitted to the course pursuant to this interim order. The admission accorded shall remain subject to the decision of the writ petitions.

The respondents would be at liberty to file application under Article 226(3) of Constitution of India for vacation of this interim order.

It is seen that the State is causing unnecessary hardship to the petitioner-institution in taking decision for the grant of NOC in favour of the petitioner-institution despite several opportunities being granted by this Court. Thus, I deem it appropriate to direct the Principal Secretary, Medical and Health Department, Government of Rajasthan, to take a final decision upon the said

issue and communicate it to the petitioner-institution on or before 13.03.2024.

In case, the respondent No.1 fails to comply with the directions passed by this Court, then, he is directed to remain present before this Court on the next date by joining through Video Conferencing.

List on 19.03.2024, as prayed.

Office is directed to reflect the name of Mr. Manish Vyas, AAG, who is appearing for the respondents, in the daily cause list.

(DR. NUPUR BHATI),J

44-ajayS/-