

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No.3905/2025
Annpurna Medical Training (College of Nursing)

-----Petitioner

Versus

State Of Rajasthan & Ors.

-----Respondent

Connected With

1. S.B. Civil Writ Petition No. 3936/2025
2. S.B. Civil Writ Petition No. 12027/2025
3. S.B. Civil Writ Petition No. 12060/2025
4. S.B. Civil Writ Petition No. 12079/2025
5. S.B. Civil Writ Petition No. 12082/2025
6. S.B. Civil Writ Petition No. 12085/2025
7. S.B. Civil Writ Petition No. 12088/2025
8. S.B. Civil Writ Petition No. 13586/2025
9. S.B. Civil Writ Petition No. 13595/2025
10. S.B. Civil Writ Petition No. 14181/2025
11. S.B. Civil Writ Petition No. 14188/2025
12. S.B. Civil Writ Petition No. 14445/2025
13. S.B. Civil Writ Petition No. 15729/2025
14. S.B. Civil Writ Petition No. 15964/2025
15. S.B. Civil Writ Petition No. 1836/2024

For Petitioner(s)	:	Mr. Ankur Mathur Mr. Shreyansh Mardia Ms. Divya Bafana Mr. Himanshu Choudhary
For Respondent(s)	:	Mr. Rajendra Prasad, AG Mr. Sher Singh Rathore for Mr. N.S. Rajpurohit, AAG Mr. Mahendra Vishnoi Mr. Vinay Kothari for RUHS Ms. Akshiti Singhvi Mr. Sangram Singh

HON'BLE MR. JUSTICE SAMEER JAIN
Order

25/09/2025

1. Taking note of the fact that the instant petitions have been filed with identical set of facts and claim equivalent reliefs,

the same have been clubbed. It is made cautiously clear that the factual narrative noted herein, is only for sake of handiness and the order passed henceforth shall be made applicable on *mutatis mutandis* basis. However, upon a perusal of the nitty-gritty of the lead petition **S.B. Civil Writ Petition No. 3905/2025**, it is noted that the same is filed with the following prayers:

- "i. The record of the case may kindly be called for;*
- ii. The respondents may further be directed to include the name of the petitioner institution in the list of eligible institutions for the purpose of counseling in B.Sc. Nursing Course with intake capacity of 80 seats for academic session 2025-26 on wards.*
- iii. The respondent federation/association may be directed to recommend the petitioner institution to the authorities for include the name of petitioner institution in its counseling.*
- iv. The respondent University may further be directed to accept the annual affiliation and other fees of the petitioner institution.*
- v. Any other appropriate writ or order or direction which is favorable to the petitioner in the facts and circumstances of the case may kindly be granted to the petitioner."*

2. On illustrative basis it is noted that in **S.B. Civil Writ Petition No. 3905/2025 (Supra)**, the petitioner is Annapurna Medical Training (College of Nursing), Sikar, Jaipur- Road Sikar, moreover, upon a perusal of the Court file it is noted that in the NOTES at point no. 7 it is handwritten that the matter pertains to Jodhpur jurisdiction. The said point is reproduced herein below:

"Notes:-

- 1. Writ petition has previously been filed by the petitioner before this Hon'ble Court CW No.4940/22, 12428/22, 14888/22, 18338/22, 18956/24.*
- 2. That the PF, Notices and extra sets shall be filed within time.*
- 3. That it has not been typed by any staff member of this Hon'ble Court.*
- 4. That since pie papers are not readily available, hence stout papers have been used.*

5. *It is S.B. Civil Writ Petition hence no vires of Act or Rules have been challenged by way of this writ petition.*
6. *Mob. No.9460277173 and E-mail Id is of the counsel.*
7. ***Matter pertains to Jodhpur jurisdiction."***

It is noted that point nos. 1 and 7 are handwritten and the remaining contents are typed; and the same are undersigned by the counsel for the petitioner.

3. As per the provisions of Article 226 of the Constitution of India which is reproduced as under:

"Powers of High Court to issue certain writs:

1. *Notwithstanding anything in article 32 every High Court shall have powers, throughout the territories in relation to which it exercise jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warrantor and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.*

2. The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

3. *Where any party against whom an interim order, whether by way of injunction or stay or in any other manner, is made on, or in any proceedings relating to, a petition under clause (1), without-*

a. furnishing to such party copies of such petition and all documents in support of the plea for such interim order; and

b. giving such party an opportunity of being heard, makes an application to the High Court for the vacation of such order and furnishes a copy of such application to the party in whose favour such order has been made or the counsel of such party, the High Court shall dispose of the application within a period of two weeks from the date on which it is received or from the date on which the copy of such application is so furnished, whichever is later, or where the High Court is closed on the last day of that period, before the expiry of the next day afterwards on which the High Court is open; and if the application is not so disposed of, the interim order shall, on the

expiry of that period, or, as the case may be, the expiry of the said next day, stand vacated.

4. The power conferred on a High Court by this article shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32."

A petition can be maintainable before any Writ Court, wherein cause of action in part or whole arises.

4. In the instant batch of petitions it is noted that issues from various districts like Bharatpur, Sikar, Jaipur etc. which fall under the territorial jurisdiction of Jaipur Bench, are filed before the Principal seat at Jodhpur, wherein no specific pleadings qua cause of action pertaining to Jodhpur jurisdiction of High Court is stated. In **S.B. Civil Writ Petition No. 3905/2025 (supra)** to the shock and surprise of the Court, it is noted that even the Registry has not marked any defect or raised any objection qua maintainability.

5. Taking note of the said fact, Registrar (Judicial) was called however, he is unable to tender any justifiable explanation, as to why the matters pertaining to jurisdiction of Jaipur Bench, *sans* any specific pleadings are filed and contested before the Principal seat at Jodhpur. Withal, petitions with handwritten, undated notes are listed before the Benches.

6. This Court observes that while sitting at Jaipur Bench, as well as at the Principal Seat, Jodhpur, with the roster of service matters, or quashing of FIRs and criminal proceedings arising thereto, the jurisdictional guidelines qua the Rajasthan High Court are bypassed and misused. There is rampant Bench hunting, forum shopping which is ignored by the Registry. Nevertheless, the concerned Court also on account of heavy workload, is not able to consider the said aspect at the initial stance, and

resultantly, on vice-versa jurisdictions, in spite of the fact that territorial jurisdictions are indicated, petitions are entertained, and at belated stages objections on the grounds of maintainability are made. This not only violates the fundamental essence of Indian legal system, but makes the justice expeditiously warranted, as justice tardily denied, due to legal and administrative technicalities.

7. Hon'ble Supreme Court, Division and Co-ordinate Bench of this Court, time and again vide a catena of judgments, have deprecated the said practice in a stout manner. In this regard, ratios encapsulated in **AIR 2001 SC 416** titled as **Rajasthan High Court Advocates Association Vs. Union of India & Ors., (2017) 5 SCC 262** titled as **Union of India & Ors. Vs. Cipla Ltd. & Anr., AIR 1983 SC 969** titled as **M/s Oswal Wollen Mills Ltd. & Anr. Vs. Union of India & Ors., S.B. CWP No.6235/2022** titled as **Dhanwantri Institute of Medical Science Vs. State of Rajasthan & Ors., Virendra Dangi vs. Union of India and ors.: (1992) Supreme (Raj.) 585, Harsh Shiksha Evam Seva Sanasthan vs. State of Rajasthan: (2020) 1 RLW (Raj.) 108** and **(2022) 7 SCC 124** titled as **Vijay Kumar Bhai & Ors. Vs. State of West Bengal & Ors.** It is also noted that the Co-ordinate Bench of this Court, at Principal Seat Jodhpur in **SBCWP No. 11612/2022** titled as **Mohd. Sajid Khan vs. State of Rajasthan and ors.** vide order dated 26.08.2022, taking note if a notification passed by the Chief Justice of Rajasthan High Court had already discussed the issue of territorial jurisdiction, and dismissed the petition(s) as not maintainable.

8. It is noted that in **Dhanwantri Institute of Medical Science (Supra)** a cost of Rs.10 lakhs is imposed, as the petitioner therein firstly filed a petition before the Jaipur Bench and subsequently upon withdrawing the said petition, filed a petition before the Principal Seat, Jodhpur without disclosing the said fact. Relevant extract from the said ratio is reproduced herein below:

"It is interesting to note that the writ petition filed by the petitioner-institution along with others, which came to be dismissed as withdrawn at Jaipur Bench on 26.04.2022 and on the very next day i.e. on 27.04.2022, the present writ petition is filed at Principal Seat, Jodhpur. This leads to the only conclusion that the petitioner-institution has already decided to file writ petition before this Court at Principal Seat Jodhpur though the earlier writ petition filed by it before the Jaipur Bench was already pending.

The reasons, which forced the petitioner-institution to file this writ petition, though the earlier writ petition filed by it before the Jaipur Bench is pending, are not known to this Court, as the same have not been disclosed by the petitioner-institution. This may lead to the only conclusion that the petitioner-institution was apprehensive that he may not get a favorable order from this Court at Jaipur Bench.

Now-a-days, the practice of bench hunting is often noticed, however, it is least expected from the institute providing education for the higher courses to the students to involve in such practice. It is a very sorry state of affairs and the conduct of the petitioner-institution is highly condemnable and contemptuous too. It is not expected from any person approaching the Court to conceal the relevant facts and to make an attempt of mislead the Court.

In the present case, the petitioner-institution has not even bothered to apprise the Advocate engaging by it before this Court regarding the relevant facts, which resulted into awkward position of the advocate concerned before the Court. I am of the opinion that the conduct of the petitioner-institution, as noted above, is highly condemnable, objectionable and cannot be condoned in any situation and, therefore, I deem it appropriate to dismiss this writ petition while imposing a cost of Rs.10,00,000/- (Rupees Ten Lakhs) upon the petitioner-institution."

9. In another case, i.e. **Vijay Kumar Bhai & Ors. (supra)** Apex Court in criminal proceedings has labeled the practice of Bench hunting and forum shopping as "disreputable

practice”, as it is sheer abuse of process of law. Nevertheless, the provisions of writ jurisdiction are considered as the backbone of the Constitution of India, and for persuasive reasons, it is opined by various judicial bodies that the writ jurisdiction of the Courts is ought to be invoked in exceptional circumstances and the matters thereto are to be adjudicated summarily. Jotting down the vital aspect of the issue of ‘forum shopping and Bench hunting’ Hon’ble Supreme Court in **Cipla Ltd. & Anr. (supra)** had drawn ‘functional tests’ and the factors that the Courts may use to detect forum shopping.

10. In the case in hand, following significant facts are observed:

(i) That petition *prima facie* pertains to the territorial jurisdiction of Jaipur Bench of Rajasthan High Court.

(ii) That respondent No.5 and 6 namely as under:

“5. Private Physiotherapy, Nursing and Para Medical Institutions Society, Branch Office Jodhpur through its Secretary, Plot No.273, Subhash Nagar, Pal Road, Jodhpur, Rajasthan.

6. Rajasthan Private Nursing Schools and Colleges Federation, through its Chairman, 357, Laxmi Nagar, Paota, B Road, Jodhpur, Rajasthan.”

Private Nursing, Forum and Rajasthan Private Nursing School are private parties for creating a cause of action, it is *prima facie* opined that they are created entities. The said parties are served with notices however, despite the same none has marked presence to contest the matter.

11. This Court also observes that on account of the fact that Rajasthan High Court has a Principal Seat at Jodhpur and Bench at Jaipur, and at various instances, petitions are filed

concurrently or consecutively, concealing the fact of other litigation. It is also noteworthy that in terms of the guidelines articulated vide Notification No.1/J.B. dated 23.12.1976 issued by the then Chief Justice of Rajasthan High Court, the territorial jurisdiction is explicitly clear. For the sake of handiness the contents of notification dated 23.12.1976 (Supra) is reproduced herein below:

**"RAJASTHAN HIGH COURT, JODHPUR
NOTIFICATION**

No. 1/J.B.

Dated 23-12-1976

In pursuance of the High Court of Rajasthan (Establishment of a Permanent Bench at Jaipur) Order, 1976, and in exercise of the powers under sub-section (2) of Section 44 of the Rajasthan High Court Ordinance, 1949, read with Sections 54 and 57 of the States Reorganisation Act, 1956, the Hon'ble the Chief Justice has been pleased to order that with effect from the 31-1-1977---

(a) all cases arising in the revenue districts of Banswara, Barmer, Bikaner, Bhilwara, Chitorgarh, Churu, Dungarpur, Ganganagar, Jaisalmer, Jalore, Jodhpur, Nagaur, Pali, Sirohi and Udaipur (except such case or class of cases as may by special order be transferred to the Jaipur Bench) shall be disposed of by the Court at Jodhpur, and

(b) all cases arising in the revenue districts of Ajmer, Alwar, Bundi, Bharatpur, Jaipur, Jhalawar, Jhunjhunu, Kotah, Sawai Madhopur, Sikar and Tonk (except such case or class of cases as may by special order be transferred to the Court at Jodhpur) shall be disposed of by the Court at Jaipur.

Provided that a Vacation Judge, whether sitting at Jodhpur or at Jaipur may hear any case irrespective of the district in which it has arisen for the purpose of deciding any matter which in his opinion requires immediate action.

Explanation.- A writ case shall be deemed to arise in the district where the first order pertaining to that case was passed by a court, tribunal or authority irrespective of the district in which the appeal or revision from that order is heard and irrespective also of

the fact whether or not there has been any modification or reversal of the order in appeal or revision.

Sd/-
Ved Pal Tyagi
Chief Justice
23-12-1976.”

12. The above mentioned circumstances, are fairly conceded with, by the learned Advocate General, who has marked appearance on directions of the Court. He has also submitted that the said actions cannot be considered “Bench convenience” rather it is evident “Bench hunting”. It is also apprised to the Court that qua the issue as averred and discussed herein, the Division Bench at Jaipur Bench, Rajasthan High Court in **DBSAW No. 571/2024** titled as **M/s Jhanwar Medical Agency versus State Of Rajasthan & Ors.** vide order dated 01.09.2025 has formulated a query, and invited the Bar at large to participate and address the issue. The relevant extract from the order dated 01.09.2025 (Supra) is reproduced herein below:

“The present case raises an important question of law as to whether the Bench has jurisdiction to hear the cases which arise from districts under the administrative jurisdiction of the Principal Seat, Jodhpur and similarly whether Principal Seat, Jodhpur can hear and pass the orders in relation to cases which arise from the districts which are under the administrative jurisdiction of the Jaipur Bench.

Learned Advocate General is requested to assist the Court.

A notice in the cause list may be published both at Principal Seat, Jodhpur and Jaipur Bench for lawyers to address on this important issue”

13. Learned counsel for the petitioner Mr. Ankur Mathur has submitted that the cause of action in the lead petition, arises in Jodhpur as respondent Nos. 5 and 6 play a vital role, qua allotment of 50 per cent of the seats. Howsoever, the said pleading is not substantiated in the contents of the petition.

14. Learned counsel Mr. Sher Singh Rathore has marked appearance on behalf of Mr. N.S. Rajpurohit, AAG, and has objected the maintainability of the present petitions, as and when the query qua the same was put-forth by the Court.

15. None has marked presence on behalf of the respondent nos. 5 and 6 despite being duly served with notices, which reflects adverse impression on their bonafides.

16. In summation of the aforementioned, it is jot down that the Court, that both at the Principal Seat at Jodhpur as well as the Jaipur Bench of Rajasthan High Court, with the roster of, inter alia, service matters, transfer petitions, quashing of FIRs, there exist several instances of disparity with respect to filing of the petitions, In numerous matters, petitions are either filed concurrently or consecutively before both the Benches, or are instituted by concealing material facts *sans disclosure* of the pendency or disposal of any earlier litigation at the other Bench. In certain cases, dummy parties are arrayed with the sole intent of creating or establishing jurisdiction. Furthermore, petitions of analogous nature are repeatedly filed with critical issue of maintainability, particularly in regard to territorial jurisdiction, is *prima facie* overlooked.

17. In view of the foregoing facts and circumstances, and taking note of the alarming issue of “forum shopping and Bench hunting” despite categorical observations by various Judicial authorities, this Court deems it apposite to impose a cost of Rs. 1 Lac only, upon the petitioners having there residents/locus at or under the territorial jurisdiction of Jaipur Bench, and have filed the petitions herein before the Principal Seat, Jodhpur. The said

petitioner(s) are as in SBCWP No. 3905/2025, SBCWP No.12027/2025, SBCWP No. 12060/2025, SBCWP No. 12079/2025, SBCWP No. 12082/2025, SBCWP No. 12085/2025, SBCWP No. 12088/2025, SBCWP No. 13586/2025, SBCWP No. 13595/2025, SBCWP No. 14188/2025, SBCWP No. 15964/2025, SBCWP No. 1836/2024. The said cost shall be deposited by each petitioner individually, within an upper limit of two weeks from the date of passing of this order, with the Rajasthan Legal Service Authority, Rajasthan High Court, Jodhpur. The said cost shall remain subject to outcome of the present petitions.

18. Taking note of the vital aspect of the instant issue, and the fact that the act of 'forum shopping' is highly disreputable, the said issue is referred to Hon'ble the Chief Justice, for passing of appropriate orders and directions qua the Principal Seat, Jodhpur and the Jaipur Bench of Rajasthan High Court.

19. For the sake of convenience and to apprise the Court with the *lis* at hand, this Court appoints learned Advocate General as *amicus curiae* to render due assistance to the Court, as learned Advocate General is the appropriate authority to address this issue qua both the places.

20. Additionally, Registrar (Judicial) at Principal Seat Jodhpur and Registrar (Judicial), Jaipur Bench, Rajasthan High Court are directed to supply statistics qua such petitions which are filed without following the directions spelled out in aforementioned judicial precedents, by way of an affidavit.

21. Registrar (Judicial) is directed to place a copy of this order before Hon'ble the Chief Justice.

22. A copy of this order be also sent to Registrar (Judicial),
Jaipur Bench of Rajasthan High Court.

23. Copy of this order be placed in the connected petitions.

(SAMEER JAIN),J

JKP/342-356 & 332