

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

S.B. Civil Writ Petition No. 2478/2026

1. Mukesh S/o Shri Hukama Ram, Aged About 25 Years, R/o Nehron Ki Dhani, Mailana, Jodhpur (Raj.) 342603.
2. Sujeet Singh S/o Shri Bharat Singh, Aged About 23 Years, R/o Khedi Khema Khera, Po Chapli, Khema Khera Dist Rajsamand (Raj.) 313331.
3. Vidhya Patel D/o Shri Durga Ram, Aged About 23 Years, R/o Suthri Ka Bas, Jaitpur, dist Pali (Raj.) 306421.
4. Chunni Lal Salvi S/o Shri Neva Ram Salvi, Aged About 22 Years, R/o Ratna Ka Gudha, Deogarh, Rod Ka Gurha, Dist Rajsamand (Raj.) 313332.
5. Ravina Chouhan D/o Shri Pratap Singh, Aged About 21 Years, R/o Village Diver, Dist Rajsamand (Raj.) 313331.
6. Pukhraj Nehra S/o Shri Mukna Ram, Aged About 23 Years, R/o Village Ibri Ka Tala, Dist Barmer (Raj.) 344702.
7. Vishakha Bhawansha D/o Shri Ramesh Kumar, Aged About 22 Years, R/o Falna, Dist Pali (Raj.) 306116.
8. Rahul Parmar S/o Shri Harji Ram, Aged About 21 Years, R/o Purana Bus Stand Pali (Raj.) 306401.
9. Chanchal D/o Shri Ganpat Ram, Aged About 23 Years, R/o Sangariya, Jodhpur 342013.
10. Sharda D/o Shri Talsa Ram, Aged About 36 Years, R/o Village Bhilon Ki Dhani, Dist Barmer (Raj.) 344802.
11. Ajeet S/o Shri Bhagwant Ram, Aged About 21 Years, R/o Village Mundwa, Dist Nagaur (Raj.) 341026.
12. Amrit Lal S/o Shri Ram Lal, Aged About 23 Years, R/o Village Sadri Desuri, Pali (Raj.) 306702.
13. Deva Ram S/o Shri Bhaira Ram, Aged About 23 Years, R/o Village Kharda, Dist Barmer (Raj.) 344032.
14. Chetan Prakash Salvi S/o Shri Mitthalal Salvi, Aged About 25 Years, R/o Village Ratna Ka Gurha, dist Rajsamand (Raj.) 313332.
15. Deepika D/o Shri Daulat Ram, Aged About 27 Years, R/o Nagori Gate, Jodhpur (Raj.) 342006.
16. Ritik Hiragar S/o Shri Kanaram Hiragar, Aged About 21 Years, R/o Village Bali, Dist Pali (Raj.) 306701.

17. Manish Jangid S/o Shri Ramchandra, Aged About 23 Years, R/o Nearby Old Bus Stand, Pipar City, Jodhpur (Raj.) 342601.
18. Sunita D/o Shri Bhaga Ram, Aged About 22 Years, R/o 18 Geya Ka Bas, Village Diwandi, Rohat, Dist Pali (Raj.) 306421.
19. Santosh D/o Shri Shyam Lal, Aged About 23 Years, Village Hemji Ka Rana, Dist Barmer (Raj.) 344044.
20. Bhagwanti Jakhar D/o Shri Budha Ram, Aged About 24 Years, R/o Ekta Nagar, Ramjan Ji Hatha, Barmer Road, Jodhpur (Raj.) 342015.
21. Sonam Singh D/o Shri Barmeshwar Meena, Aged About 22 Years, R/o 13/18 Kuri Bhagtasani Housing Board, Jodhpur (Raj.) 342005.
22. Swaroop Singh S/o Shri Gena Ram, Aged About 22 Years, R/o Village Gudamalani, Dist Barmer (Raj.) 344031.
23. Kaish Modh S/o Shri Mohammad Yusuf, Aged About 26 Years, R/o Gali No. 07, Jyoti Nagar, Chandna Bhakar, Jodhpur (Raj.) 342003.
24. Hem Singh S/o Shri Narpat Singh, Aged About 26 Years, R/o Village Bastawa Sundo Ka Bas, Balesar, Jodhpur (Raj.) 342023.
25. Manisha Patel D/o Shri Bhanwara Ram, Aged About 22 Years, R/o Village Tatiya Ka Bas, Mogra Kalan, Jodhpur (Raj.) 342802.
26. Yashpal Patel S/o Shri Chelaram, Aged About 26 Years, R/o Village Laleeya, Samdari, Dist Barmer (Raj.) 344021.
27. Yogendra Kumar S/o Shri Punaram, Aged About 25 Years, R/o Village Askandra, Dist Jaisalmer (Raj.) 345028.
28. Shilpa Kumari D/o Shri Banshilal, Aged About 24 Years, R/o Purana Bus Stand Pali (Raj.) 306401.
29. Giriraj Salvi S/o Shri Laxman Lal Salvi, Aged About 25 Years, R/o Village Laxmipura, Dist Rajsamand (Raj.) 313331.
30. Gudia Dewasi D/o Shri Ram Dewasi, Aged About 24 Years, R/o Shiv Colony Near Govt. Sr. Sec. School, Jhalamand, Jodhpur (Raj.) 342005.
31. Laxman Singh S/o Shri Sher Singh,, Aged About 24

Years, R/o Bane Singh Nagar, Dechu, Dist Jodhpur (Raj.) 342314.

32. Jaya Damami D/o Shri Om Prakash, Aged About 23 Years, R/o Village Bali, Dist Pali (Raj.) 306701.
33. Parwat Patel S/o Shri Madan Ram, Aged About 25 Years, R/o Village Dheedhas, dist Barmer (Raj.) 344021.
34. Ramesh Lal Salvi S/o Shri Arun Kumar Salvi, Aged About 24 Years, R/o Village Bheru Khera Madariya, dist Rajsamand (Raj.) 313324.
35. Rahul Singh S/o Shri Ranjit Singh, Aged About 25 Years, R/o Village Dawer, dist Rajsamand (Raj.) 313331.
36. Poonam Damami D/o Shri Dalpat Kumar, Aged About 24 Years, R/o Village Rani Falna, Dist Pali (Raj.) 306116.
37. Manish S/o Shri Bharat Singh, Aged About 23 Years, R/o Village Devgarh, Dist Rajsamand (Raj.) 313331.
38. Om Prakash S/o Shri Sona Ram, Aged About 27 Years, R/o Village Sedariya P. Rana, Rohat, Dist Pali (Raj.) 306401.

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical And Health Department, Government Of Rajasthan, Secretariat, Jaipur (Rajasthan).
2. Skg Memorial Nursing Institute, Khasra No. 438, Jhalamand, Jodhpur Through Its Principal.
3. Rajasthan University Of Health And Science, Through Its Registrar, Kumbha Marg, Partap Nagar, Jaipur, Rajasthan.
4. Rajasthan Nursing Council, Through Its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur (Rajasthan).
5. Rajasthan Private Nursing School And College Federation, Through Its President, Head Office 357, Laxmi Nagar, Paota 'b' Road, Jodhpur.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 8218/2022

Skg Memorial Nursing Institute, Khasra No. 438, Jhalamand, Jodhpur Being Run By Society Shubh Education And Welfare Society, First Residency Road, Jodhpur Through Its Principal

Mana Ram S/o Shri Mohan Ram, Aged 38 Years, Resident Of
Bhagwanpura, Nagaur.

-----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 School And College Federation,
357, Laxmi Nagar, Paota B Road, Jodhpur.

-----Respondents

S.B. Civil Writ Petition No. 24005/2025

Skg Memorial Nursing Institute, Khasra By No.438, Jhalamand,
Jodhpur Being Run Society Shubh Education And Welfare
Society, First Residency Road, Jodhpur Through Its Principal
Mana Ram S/o Shri Mohan Ram, Aged 41 Years, Resident Of
Bhagwanpura, Nagaur (Rajasthan).

-----Petitioner

Versus

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

-----Respondents

For Petitioner(s)	:	Mr. Nitin Ojha
For Respondent(s)	:	Mr. N.S. Rajpurohit, AAG Mr. B.S. Sodha Mr. Sangram Singh

HON'BLE MR. JUSTICE SANJEET PUROHIT**Order****14/05/2026**

1. Present bunch of writ petitions arises out of interconnected issues relating to admissions granted to students for General Nursing and Midwifery (GNM) Course for Session 2021-22 in SKG Memorial Nursing Institute, Jodhpur
2. Consideration of the writ petitions reveals that the controversy in all the matters arises from the alleged non-grant of recognition/NOC to respondent-Institute for the GNM Course for Session 2021-22; the interim order passed by this Court permitting admissions to said institution, and the consequential issue relating to registration of students who have successfully completed the course. Since common questions of fact and law arise for consideration, all the connected matters are being decided by this common judgment.

S. B. Civil Writ Petition No. 2478/2026 (Mukesh & Ors v. State of Rajasthan & Ors.)

3. For the sake of convenience, facts of aforementioned writ petition are taken into consideration, which has been filed by petitioner-students with the following prayers: -

"I. Respondents may kindly be directed to open the registration portal of GNM for the year 2021-22 for the petitioners and issued their certificate of registration of GNM.

II. Any other appropriate order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.

III. Writ petition filed by the petitioner may kindly be allowed with cost."

4. Explaining the background facts of the case, learned counsel for the petitioners submitted that petitioner-students were granted admission to the GNM course for the Session 2021-22 at respondent No. 2 – SKG Memorial Nursing Institute, Jodhpur vide order dated 12.07.2022 issued by respondent No. 5 - Rajasthan Private Nursing School and College Federation. It is submitted that petitioner-students have already completed their 3-year course and their mark-sheets have already been issued by respondent – Rajasthan Nursing Council (RNC).

4.1 However, it is stated, when petitioner-students attempted to apply for professional registration on the RNC's online portal, their applications were not accepted and portal remained closed. It is stated that two students were able to submit their applications and deposit the registration fees, however, the remaining students could not complete the registration process on account of closure of the portal.

4.2 Aggrieved thereby, petitioner-students have come before this Court by way of present writ petition.

5. Learned counsel for the petitioners submitted that the action of respondent – RNC in not granting the registration of petitioner-students is not only arbitrary but also unjustified.

5.1 It is contended that petitioner-students were granted admission in respondent-Institute pursuant to the counselling process undertaken by competent authority and throughout the duration of the course, no action was taken by respondents either

to cancel the admissions of petitioner-students or to restrain them from pursuing the course. Rather, the petitioner – students were permitted to appear in the examinations of all three years of their courses and mark-sheets were also issued to petitioner – students by respondent – RNC. In these circumstances, respondents cannot now deny registration to the petitioners for no fault attributable to them.

5.2 Learned counsel argued that petitioner-students, having completed their studies, cannot now be denied registration due to administrative disputes between the Institute and the State.

5.3 Learned counsel for the petitioners further submitted that the controversy involved in present writ petition is squarely covered by order dated 01.08.2024 passed by Coordinate Bench of this Court in **S.B.C.W.P. No. 9923/2022** titled ***Kapil Kumar Labana & Ors. v. State of Rajasthan & Ors.***

6. Per contra, learned counsel appearing for respondents opposed the writ petition and submitted that respondent-Institute lacked requisite NOC/recognition under the governing regulatory framework and, since admissions were granted to the petitioner – students for Session 2021-22 under the orders of Hon'ble Court, the same did not create any entitlement in favor of petitioner-students for registration. It is also contended that mere completion of the course or issuance of mark-sheets would not, by itself, confer a right to registration.

7. Heard learned counsel for the parties and perused the material available on record.

8. This Court finds that the controversy involved in the present case is similar to the one considered by Coordinate Bench of this Court in ***Kapil Kumar Labana*** (supra), wherein similarly situated students were granted relief. Relevant paras thereof are quoted below: -

"13. All these students have undertaken their course in institute respondent No.4, after getting admission in the year 2017-2018 and they have successfully completed their course. Depriving such students from registration and taking away their right of pursuing their career would be iniquitous and unjust.

14. The writ petition is, therefore, allowed.

15. The respondent No.2 - Rajasthan Nursing Council is directed to consider petitioners' applications for registration in accordance with law within a period of two months from today. The Rajasthan Nursing Council shall grant registration to each of the petitioners herein if, they are otherwise eligible. They shall not insist upon furnishing of NOC, as they have got admission prior to 13.01.2022.

16. Stay application stands disposed of accordingly."

8.1 This Court also finds that consistent judicial opinion has evolved around the principle that students ought not to be made to suffer adverse consequences in their academic or professional careers for lapses or deficiencies on the part of institutions or authorities, particularly where no fault is attributable to the students themselves. The Hon'ble Supreme Court, while applying the 'no-fault theory', has, time and again, protected the rights of students from being prejudiced in circumstances where they had bona fide pursued their studies and had no role in the alleged irregularities.

8.2 Reference in this regard may be made to **Ashok Chand Singhvi v. University of Jodhpur, 1989 (1) SCC 399**, wherein the controversy related to keeping in abeyance of admission granted to appellant after he had already been admitted pursuant to approval by University authorities, and the Hon'ble Supreme Court held as follows: -

"14...but when all facts were before the University and nothing was suppressed by the appellant, would it be proper to penalise the appellant for no fault of his? The admission of the appellant was not made through inadvertence or mistake, but after considering even all objections to the same, as raised by the said Officer-in-Charge, Admissions, in his note. The appellant was communicated with the decision of the Dean as approved by the Vice-Chancellor admitting him to the Second Year BE course. The appellant deposited the requisite fees and started attending classes when he was told that his admission was directed to be put in abeyance until further orders without disclosing to him any reason whatsoever.

15-16...

17...When after considering all facts and circumstances and also the objections by the office to the admission of a candidate, the Vice-Chancellor directs the admission of such a candidate such admission could not be said to have been made through mistake. Assuming that the appellant was admitted through mistake, the appellant not being at fault, it is difficult to sustain the order withholding the admission of the appellant. In this connection, we may refer to a decision of this Court in Rajendra Prasad Mathur v. Karnataka University [1986 Supp SCC 740]. In that case, the appellants were admitted to certain private engineering colleges for the BE degree course, although they were not eligible for admission. In that case, this Court dismissed the appeals preferred by the students whose admissions were subsequently cancelled and the order of cancellation was

upheld by the High Court. At the same time, this Court took the view that the fault lay with the engineering colleges which admitted the appellants and that there was no reason why the appellants should suffer for the sins of the management of these engineering colleges. Accordingly, this Court allowed the appellants to continue their studies in the respective engineering colleges in which they were granted admission. The same principle which weighed with this Court in that case should also be applied in the instant case. The appellant was not at fault and we do not see why he should suffer for the mistake committed by the Vice-Chancellor and the Dean of the Faculty of Engineering.”

8.3 Similarly, in ***Sanatan Gauda v. Berhampur University, 1990 (3) SCC 23***, wherein the issue concerned the non-declaration of results of the appellant-student by the university and the refusal to permit him to appear for the final year examination, the Hon’ble Supreme Court, observing that the student was not guilty of having played any fraud upon, or made any misrepresentation before, the University, held as follows: -

15. ...the appellant while securing his admission in the Law College had admittedly submitted his marks-sheet along with the application for admission. The Law College had admitted him. He had pursued his studies for two years. The University had also granted him the admission card for the Pre-Law and Intermediate Law examinations. He was permitted to appear in the said examinations. He was also admitted to the final year of the course. It is only at the stage of the declaration of his results of the Pre-Law and Inter-Law examinations that the University raised the objection to his so-called ineligibility to be admitted to the Law Course. The University is, therefore, clearly estopped from refusing to declare the results of the appellant's examination or from preventing him from pursuing his final year course.”

8.4 Present case stands on similar footing. Petitioner-students were granted admission pursuant to interim order dated 10.06.2022 passed by this Court in S.B.C.W.P. No. 8218/2022 and thereafter continued their studies without any objection being raised by respondent authorities. It is not disputed that petitioner-students have successfully completed the entire GNM Course and that mark-sheets have also been issued to them by respondent-Rajasthan Nursing Council.

8.5 It is also not disputed that during the entire period of study, neither were admissions of petitioner-students cancelled nor were any steps taken to restrain them from pursuing the course or to seek vacation of interim protection granted by this Court.

8.6 Once petitioner-students were permitted to continue their studies, complete the course and were subsequently issued mark-sheets by respondent-RNC itself, denial of registration at this stage solely on account of disputes relating to permission/NOC of institution cannot be sustained. Such action would seriously prejudice professional careers of petitioner-students despite absence of any fault attributable to them as the admissions were granted to the petitioner-students through proper counselling process.

9. In view of the above, present writ petition is **allowed**. Respondent-Rajasthan Nursing Council is directed to accept the application form for registration of petitioner – students and shall complete the process of registration within a period of 45 days from the date of receipt of certified copy of this order.

10. Respondent-Rajasthan Nursing Council shall also ensure that the online portal, insofar as petitioner-students are concerned, is made operational/enabled for submission of their registration forms and requisite fees.

S. B. Civil Writ Petition No. 24005/2025 (SKG Memorial Nursing Institute v. State of Rajasthan & Ors.)

11. S.B. Civil Writ Petition No. 24005/2025 has subsequently been filed by respondent-Institute seeking grant of registration to the students for the Academic Session 2021-22. This Court finds that grievance raised therein regarding registration of students stands covered by directions issued hereinabove in favour of petitioner-students and, therefore, no separate directions are required to be passed. Accordingly, the said writ petition stands **disposed of.**

S. B. Civil Writ Petition No. 8218/2022 (SKG Memorial Nursing Institute v. State of Rajasthan & Ors.)

12. Said writ petition is filed praying for issuance of directions to State Authorities for undertaking inspection and to grant NOC as well as permission for admitting students to the GNM course for Academic Session 2021-22. In present writ petition, vide interim order dated 10.06.2022, petitioner-Institution was permitted to admit students for Academic Session 2021-22 and said students have already completed their studies. It is candidly admitted on behalf of counsel representing institution that after Academic Session 2021-22, no students were admitted in any further

academic sessions. Consequently, said writ petition to that extent has become infructuous.

13. In this view of matter, present writ petition is **dismissed** as infructuous.

14. It shall be open to petitioner-Institution to pursue its remedy for grant of NOC, if they so desire.

15. Stay application and all pending applications, if any, also stand disposed of.

(SANJEET PUROHIT),J

154-156-Sumer/Neha/-