

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

S.B. Civil Writ Petition No. 4089/2026

Krishna Seva Sansthan Kekad, District Barmer, Through Its President Virdha Ram S/o Jetha Ram, Age 83 Year, R/o Miyajal Ki Beri, Kekar, Barmer, Rajasthan, 344704.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary Higher Education Government Of Rajasthan, Secretariat, Jaipur.
2. The Commissioner, College Education, Government Of Rajasthan, Jaipur.
3. The Joint Director, (Private Institutions), Block 4, Shiksha Sankul, Jan Marg, Jaipur.
4. Deputy Director, College Education, Jaipur.

-----Respondents

For Petitioner(s) : Ms. Abhilasha Kumbhat.
Mr. Nishant Bora.

For Respondent(s) : Mr. Milap Chopra, D.G.C.

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

25/02/2026

1. The present writ petition has been filed with the following prayer:-

“It is therefore, most humbly and respectfully prayed that this writ petition may kindly be allowed; and by an appropriate writ, order or direction, the Respondents may direct to issue NOC for the years 2020-21, 2021-22, 2022-23, 2023-24, 2024-25, 2025-26.

Any other appropriate writ or order or direction which is favourable to the petitioner in the facts and circumstances of the case may kindly be granted to the petitioner.”

2. Learned counsels for the parties jointly submit that the controversy raised in the present writ petition is identical to the controversy which was earlier raised in S.B. Civil Writ Petition No.18701/2023 I G Shiksha And Seva Sanstha Vs. State of Rajasthan & Ors. (decided on 30.05.2024) whereby a Co-ordinate Bench of this Court disposed of the present writ petition while relying on the order passed by Division Bench at Jaipur of this Hon'ble Court in case of State of Rajasthan Vs. Gurukul Institution of Education & Anr. (D.B. Special Appeal (Writ) No.631/2022) alongwith other connected matters on 31.01.2023. The order passed in I G Shiksha (supra) is reproduced as under:-

"D.B. Civil Special Appeal (Writ) No.824/2022 has been filed beyond the period of limitation and, therefore, application seeking condonation of delay in filing of the aforesaid appeal has also been filed.

Considering that in the similar appeals having already been filed, the issue is being examined by this Court, the delay in filing of the aforesaid appeal is condoned. Application seeking condonation of delay in filing of the aforesaid appeal is allowed.

Applications for appropriate directions have been filed in D.B. Civil Special Appeal (Writ) Nos.631/2022,526/2022, 782/2022 and 940/2022.

The prayer made in the aforesaid applications is that even though the order has been passed by the learned Single Judge in favour of the respondents-private educational institutions, NOC is not being issued by the State authorities/Commissioner, Higher Education, insisting for payment of fine amount

under Circular dated 03.06.2019 read with order dated 19.07.2022.

Learned counsels for the respondents would submit that the appeals are pending consideration before this Court and the respondents are prepared to give undertaking that in the event, the appeal is decided against them, they shall pay the amount as demanded by the State authorities.

Learned counsel for the State would submit that the order passed by the learned Single Judge has been challenged in these appeals filed by the State and interim orders have also been passed in favour of the State on prima facie consideration that the Commissioner, Higher Education had the authority under the law to issue direction which was impugned in the writ petitions. He would further submit that if the institutions do not deposit the amount and the students enrolled with those institutions are allowed to appear in examinations by way of grant of NOC, the institutions, at a later stage, may avoid discharge of their obligation in the event of appeals being allowed.

Taking into consideration the submissions of learned counsels for the respective parties and further that the issue with regard to the authority of the Commissioner, College Education is under consideration in these appeals and further taking into consideration that unless NOC is issued by the State authorities, the students enrolled with respondents-institutions may not appear in the forthcoming examinations and also that the respondents-institutions are prepared to give undertaking, we are inclined to issue a direction that the appellants shall provide NOC to the respondents-institutions upon

furnishing undertaking that in the event any adverse order is passed against them, the entire amount demanded from them shall be deposited in the office of the Commissioner, College Education. The said undertaking shall also be treated as undertaking given before this Court in the matters where aforesaid applications have been filed.

It goes without saying that once NOC is granted by the State upon submission of undertaking by the institutions/colleges concerned, the University would admit the students of those institutions/colleges for examinations. Aforesaid applications are, accordingly, disposed off.

List these matters after four weeks.

Interim orders earlier passed in the appeals shall continue subject to the directions as aforesaid.

2. Learned counsel for the parties jointly submits that the present petition may be disposed of subject to the final disposal of the special appeal, on the same conditions, which have been imposed by the Hon'ble Division Bench in the case of State of Rajasthan & Ors. Vs. Gurukul Institution of Education & Anr. (supra).

3. The proposition made is justified, the aforesaid directions issued by the Division Bench of this Court shall apply on both the parties and the final outcome shall accordingly hold the field for the purpose of final determination of the dispute.

4. In view of the above, the instant petitions are disposed of. All pending applications also stand disposed of."

3. It is jointly prayed that the present writ petition may be disposed of in the light of ***I G Shiksha*** (supra).

4. In view of the submissions made above, the present writ petition is disposed of in the same terms as in the case of ***I G Shiksha*** (supra).

5. Stay application and all pending applications stand disposed of.

(SANJEET PUROHIT),J

195-sumer/-