

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

S.B. Civil Writ Petition No. 4016/2023

Aravali Commerce And Science College, Eklingpura, Jhamarkotda Road, Udaipur Through Its Authorized Representative Dr. Jitendra Singh Chouhan S/o Shri Prithvi Singh Chouhan Aged About 39 Years, R/o 71, Aravali Complex, Near New Rto Office, Udaipur (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Higher Education, Government Of Rajasthan, Secretariat, Jaipur (Raj.).
2. Commissioner, College Education, Commissionerate, Block No. Iv, Dr. Radha Krishna Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur (Raj.).
3. Joint Director (Private Institutions), College Education, Rajasthan, Jaipur (Raj.).
4. Mohan Lal Sukhadiya University, Udaipur Through Registrar, Udaipur (Raj.).

-----Respondents

For Petitioner(s)	:	Mr. Vinit Sanadhya
For Respondent(s)	:	Mr. Hemant Ballani

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

28/03/2023

Learned counsel for the petitioner has shown this Court the order dated 14.03.2023 passed by a coordinate Bench of this Hon'ble Court in ***The Gurukul College Vs. State of Rajasthan & Ors. : S.B. Civil Writ Petition No.3569/2023***, which reads as follows:

"This writ petition has been filed seeking direction to grant Permanent NOC to the petitioner Institution for the Academic Year 2022-23.

Submissions have been made that the petitioner has applied in time for grant of Permanent NOC, however, the same has not been issued. It is claimed that the defects pointed out by the State vide their communication dated 27.12.2022 (Annex.11) have all been cured by the petitioner Institution, however, the Permanent NOC has not been issued. Submissions have been made that as in the past also the petitioner Institution granted admission to the students and subsequent thereto, the NOC was issued; therefore, similarly in the present year also the petitioner Institution has granted admission to the students in BA 1st year and those, who had passed BA 1st and 2nd year from the petitioner Institution have been granted admission in BA 2nd and BA 3rd year, respectively. However, for lack of the requisite NOC, the University has refused to open the portal for filling up of the examination form by the students and that the examinations are due to start from tomorrow i.e. 15.03.2023.

Mr. Diwakar Mali, Director of the petitioner Institution present in person undertakes that in Session 2023-24, without getting the Permanent NOC from the State/University, the petitioner Institution shall not grant admission to any student and by way of mercy, it is prayed that those students admitted for the Academic Session 2022-23 may be permitted to appear for the examination, subject to final outcome of the present writ petition.

In view of submissions made, issue notice. Issue notice of stay petition as well.

In the meanwhile and till further orders, the respondent University is directed to permit the students, as indicated in Annex.13 of the present writ petition, to appear in the examination of the Academic Session 2022-23, subject to outcome of the present writ petition on paying the requisite fees. However, result of the said students shall not be declared. "

Learned counsel for the petitioner prays that the aforequoted order shall operate in favour of the present petitioner also.

Issue notice.

Mr. Hemant Ballani, learned counsel puts in appearance on behalf of the respondents and does not oppose that the aforequoted order shall operate in the present case also.

List alongwith SBCWP No.3569/2023.

In the meanwhile and till further orders, the respondent University is directed to permit the students, as indicated in Annex.10 of the present writ petition, to appear in the examination of the Academic Session 2022-23, subject to outcome of the present writ petition on paying the requisite fees. However, result of the said students shall not be declared.

(DR.PUSHPENDRA SINGH BHATI), J.

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