

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

S.B. Civil Writ Petition No. 5037/2026

Ajeet Singh Garhwal

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

1. S.B. Civil Writ Petition No. 4003/2026
2. S.B. Civil Writ Petition No. 4004/2026
3. S.B. Civil Writ Petition No. 4011/2026
4. S.B. Civil Writ Petition No. 4012/2026
5. S.B. Civil Writ Petition No. 4046/2026
6. S.B. Civil Writ Petition No. 4051/2026
7. S.B. Civil Writ Petition No. 4066/2026
8. S.B. Civil Writ Petition No. 4180/2026
9. S.B. Civil Writ Petition No. 4415/2026
10. S.B. Civil Writ Petition No. 5392/2026
11. S.B. Civil Writ Petition No. 5419/2026
12. S.B. Civil Writ Petition No. 5578/2026
13. S.B. Civil Writ Petition No. 6452/2026
14. S.B. Civil Writ Petition No. 6458/2026

For Petitioner(s)	:	Mr. Karmendra Singh
For Respondent(s)	:	Mr. Ravindra Jhala
		Mr. S.S. Ladrecha
		Mr. Chandra Shekhar Kotwani
		Mr. Ajay Kumar Vyas
		Mr. Jatin Sankhla
		Mr. Ankur Mathur
		Mr. Chinmoy Shekhar Kotwani
		Ms. Bhavya Gautam

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

21/04/2026

1. Present Bunch of writ petitions has been filed on behalf of students who are studying in nine institutes imparting education

for the Animal Husbandry Diploma Program (A.H.D.P.) for the academic batches of 2023-24 and 2024-25.

2. Initially, this Court granted interim protection, directing respondent University to allow petitioner students to fill examination form and to provisionally accept the same and allow students to appear in ensuing examinations, noting that seats in said institutes were allotted to petitioner students by respondent University itself during the counselling process.

3. In relation to said interim order so passed by this Court in favour of petitioner students, respondent University moved an application for modification, which was supported by the State of Rajasthan, and it was informed to the Court that said nine institutes lack the required N.O.C. from the State and that their affiliations have been cancelled by respondent University.

4. Consequently, in consideration of said application and in light of judgment passed by Hon'ble Apex Court in the case **of Adarsh Shiksha Mahavidyalaya Vs. Subhash Rahangdale** reported in **(2012) 2 SCC 425**, this Court, vide order dated 18.03.2026, directed respondent University to verify academic records of all petitioner students and to make efforts to transfer said students from said nine institutes, which neither have requisite NOC from the State nor affiliation by respondent University, to constituent colleges of respondent University.

5. In pursuance of aforesaid order dated 18.03.2026, respondent University has filed an additional affidavit in S.B.C.W.P. No. 4051/2026, thereby providing complete details regarding the

manner and mechanism for transferring petitioner students from said nine institutes to corresponding constituent colleges.

6. When the matter came up for consideration on 16.04.2026, this Court was informed that out of a total of 854 students, admissions of 28 students of Shri Jeetendra Godara SLBS Veterinary Institute, Pali were not proposed, and the Court had directed learned counsel for respondent University to complete their instructions. Today, learned counsel for respondent University has placed on record order dated 18.04.2026, whereby in-principle permission has been granted for the provisional admission of said 28 students and transfer as well.

7. In view of detailed order passed by this Court on 18.03.2026 and the subsequent proceedings, this Court is required to balance the equities in favor of petitioner students with the larger mandate of maintaining academic standards and regulatory discipline in professional education.

8. It is not in dispute that the nine institutions in question are neither possessing the requisite NOC from the State Government nor do they have subsisting affiliation from respondent University. The continuation of academic activities in such institutions, therefore, is de hors the statutory framework governing the field.

9. Position of law is well-settled in this respect. Hon'ble Supreme Court in **Adarsh Shiksha Mahavidyalaya** (supra), as noticed in earlier order dated 18.03.2026, has categorically held that students cannot be permitted to pursue studies or appear in examinations in institutions which are ill-equipped, understaffed or

lacking recognition from competent authorities, even by virtue of interim orders passed by Courts.

10. The aforesaid principle has been consistently reiterated by the Hon'ble Supreme Court in subsequent decisions, including ***Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P., (2013) 2 SCC 617***, wherein it has been held that recognition and affiliation are sine qua non for running an educational institution and no student can claim a vested right to continue in an institution which does not fulfill the prescribed norms.

11. It is appropriate to rely upon the observations of the Hon'ble Supreme Court in ***National Council for Teacher Education and Anr. v. Venus Public Education Society & Ors*** reported in ***(2013) 1 SCC 223***, wherein the Hon'ble Court observed as follows: -

"33. Now, to the last plank of submission of learned counsel for the respondent. It is urged by him that NCTE had procrastinated in decision at every stage and due to delay was deliberate and, therefore, the Society was compelled to admit the students and impart education, regard being had to the fact that really no deficiencies as has been laid down in many a pronouncement of this Court that without recognition from NCTE and affiliation from the university/examining body, the educational institution cannot admit the students. An educational institution is expected to be aware of the law of the land. The students who take admission are not young in age. They are graduates. They are expected to enquire whether the institution has recognition and affiliation. In a view of the aforesaid, sympathy for the students who have taken admission in nonchalant manner, possibly, this inclination has brought the idea that they had incomparable fertile mind. The students who had taken admission possibly

immersed with the idea that ignorance is bliss. It is also necessary to state that the institution had the anxious enthusiasm to commercialise education and earn money forgetting the factum that such an attitude leads to a disaster. The students exhibited tremendous anxiety to get a degree without bothering for a moment about the sanctity of law. Such attitudes cannot bring premises. It would not be wrong to say that this is not a case which puts the institution or the students to choose between Scylla and Charybdis. On the contrary, both of them were expected to be Argus-eyed. The basic motto should have been 'transparency'. Unfortunately, the institution betrayed the trust of the students and the students, in a way, atrophied their intelligence. The institution decidedly exhibited characteristics of carelessness. It seems that they had forgotten that they are accountable to law. The students, while thinking "vision of hope", chose to play possum. The law does not countenance either of the ideas. Hence, the plea propounded with anxiety, vehemence and desperation on behalf of the appellant is not acceptable and, accordingly we unhesitatingly repel the same."

12. Coming to the factual matrix of the present case, this Court is of the considered opinion that permitting petitioner students to continue their studies in concerned institutions would not only be contrary to law but would seriously jeopardize the validity of the diplomas sought to be obtained by the students. Such a course would also expose the students to uncertainty in their future employment and professional prospects.

13. This Court cannot be oblivious of the fact that the students, who are otherwise not at fault, have been placed in a precarious situation. However, the remedy cannot lie in perpetuating an illegality. The only legally sustainable and equitable solution, therefore, is to ensure that the students are accommodated in

duly recognized and affiliated constituent colleges, so that their academic career is preserved without compromising statutory requirements.

14. In view of orders dated 18.03.2026, 16.04.2026 and on being satisfied with the transfer details and the necessity of this exercise to safeguard the validity of students' diplomas, this Court directs as follows:

- i. Respondent University shall issue individual communications to petitioner students regarding their transfer to respective constituent colleges within a period of ten days from the date of receipt of certified copy of this order;
- ii. The entire exercise of shifting all petitioner students to their new colleges shall be completed within a period of one month from today.

15. With the above directions, the application (I.A. No. 01/2026) for modification / clarification of order dated 26.02.2026 stands disposed of.

16. List the matter on 26.05.2026.

17. Respondents shall place before this Court compliance report in respect of transfer of petitioner students on or before the next date fixed for hearing.

(SANJEET PUROHIT),J

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