



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

S.B. Civil Writ Petition No. 11082/2023

Shri Maharashi Dadhich Shiksha Samiti, (Smd College Of Nursing), Behind Semcor Factory, Naya Nohra, Baran Road, Kota, Rajasthan Through Its Secretary Shri Raj Dadhich S/o R.n. Dadhich, Aged About 43 Years.

-----Petitioner

Versus

1. State Of Rajasthan Through The Secretary, Medical And Health (Group 3) Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Additional Director Medical And Health, Group 3 Department, Government Of Rajasthan, Jaipur.
3. Rajasthan Nursing Council Through Its Registrar, B 39, Sardar Patel Marg, C Scheme Jaipur, Rajasthan
4. Rajasthan University Of Health And Science Through Its Registrar, Kumbha Marg, Pratarp Nagar, Jaipur, Rajasthan
5. Rajasthan Private Nursing Schools And Colleges Federation, Through Its Chairman, 357, Laxmi Nagar, Paota B Road, Jodhpur, Rajasthan 342001.

-----Respondents

For Petitioner(s)	:	Mr. Ankur Mathur a/w Mr. Harshwardhan Singh
For Respondent(s)	:	Ms. Vandana Bhansali, AGC Mr. Sangram Singh Mr. Vishawas Khatri for Dr. Mohit Singhvi

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

22/08/2023

1. With the consent of learned counsel for both the parties, the following order is passed :-

2. Learned counsel for the petitioner submit that by virtue of interim order passed by this Court, the students have already been granted admission and they accordingly appeared in the first year examination and completed their first year of course.
3. Learned counsel for the respondents are unable to refute the fact that the students herein are those who have already been granted admission in pursuance of the interim order passed by this Court and have completed the academic session 2021-22 and have also appeared in the concerned examination.
4. At this juncture, a limited submission being made by the learned counsel for the petitioner is that since the controversy herein is that the students may be permitted to continue their studies, on the strength of the interim order already passed by this Court.
5. Heard.
6. As a limited intervention, only for those students, who are already permitted by this Court to pursue the nursing course for the academic session 2021-22, the respondents are directed to declare their results and permit them to continue their studies, strictly in accordance with law.
7. List the matter on 11.09.2023 along with SBCWP No.16654/2022.
8. It is however made clear that today's order shall not create any equity in favour of the students or the institution and shall remain subject to final qualification or disqualification of the institutions in question.
9. This Court is conscious of the fact that the determination regarding the NOC(s), which have been granted or declined in

pursuance of the 100 bed hospital policy, cannot be made by this Court at this stage, in the instant petition, because the same is pending adjudication before the Hon'ble Division Bench of this Hon'ble Court.

10. It is needless to say that the petitioner-institution shall have to lawfully stand on their own legs, to contest the legality of the Courses, which they have offered in pursuance of the adjudication to be made by the Hon'ble Division Bench, where the policy in question is being under adjudication.

11. Learned counsel for the respondents shall be free to move an appropriate application, if need arises.

12 The respondents shall also be required to consider the scholarship eligibility of the students of the petitioner-institution, strictly in accordance with law.

(DR.PUSHPENDRA SINGH BHATI), J.