

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

S.B. Civil Writ Petition No. 19096/2024

Shree Nath College, Kumji Ka Parda, Post Garhi District
Banswara Through President Ranchhod Garg S/o Shri Shankar
Lal Garg By Caste Garg Age 72 Years, Resident Of 85 Agarpura
Colony, Behind Shwetambar Jain Temple, Banswara District
Banswara (Raj.).

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department
Of College Education, Govt. Of Rajasthan, Secretariat,
Jaipur.
2. Commissioner, College Education Rajasthan, Jaipur.
3. Joint Director, (Private Institutions), College Education,
Rajasthan, Jaipur.
4. Govind Guru Tribal University, Banswara Through Its
Registrar.

-----Respondents

For Petitioner(s)	:	Mr. Vijay Jain
For Respondent(s)	:	Mr. Priyanshu Gopa for Mr. Deepak Bora, Dy. GC

HON'BLE DR. JUSTICE NUPUR BHATI

Order

28/11/2024

Learned counsel for the respondent Nos.1 to 3 seeks time to
complete his instructions.

Learned counsel for the petitioner submits that the
respondents are not permitting the students of the petitioner-
college, who are pursuing the first year graduation to submit their
examination form. Learned counsel for the petitioner also submits
that as per the Notification (December/2024/Semester-1/3) dated

08.11.2024, students of petitioner college will be suffering an irreparable loss, inasmuch as, they would not be able to submit the application form for upcoming examination, as the last date of submitting the examination form with late fee is 30.11.2024. He also submits that the students of the petitioner-college have also attended classes in the petitioner-college but without assigning any reason, the respondents have denied accepting the examination form of the petitioner college's students, who are pursuing Ist year graduation for the academic session 2024-2025.

Learned counsel for the petitioner submits in similar controversy, a Co-ordinate Bench of this Court, at Jaipur Bench in SBCWP No.13626/2023 titled as Samyak Seva Samiti Vs. The State of Rajasthan vide order dated 18.09.2023 while taking into consideration the order passed by the Hon'ble Division Bench in DB Special Appeal Writ No.699/2022 dated 06.02.2023 has granted interim order while directing that the petitioner-institution required to submit undertaking before the respondents as directed by the Division Bench of this Court. The order is reproduced hereunder:-

"Counsel for the respondents submits that the issue involved in this writ petition is pending consideration before the Division Bench of this Court in the matter of State of Rajasthan & Ors. Vs. Gurukul Institution of Education & Anr. (D.B. Civil Special Appeal (Writ) No.631/2022) and other connected matters, wherein it has been held as under:-

"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.

In that view of the matter, the petitioners-Institution are required to submit undertaking before the respondents as directed by the Division Bench of this Court in the matter of State of Rajasthan & Ors. (supra). List on 07.11.2023.

In view of the above submissions made by learned counsel for the petitioner, the petitioner-Institution is required to submit undertaking before the respondents as directed by the Division Bench of this Court in the matter of State of Rajasthan & Ors. (supra).

List after two weeks, as prayed.

Learned counsel for the petitioner is directed to place on record the Notification dated 08.11.2024 during the course of the day.

(DR. NUPUR BHATI),J