

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

D.B. Special Appeal Writ No. 1150/2024  
CNR: RJHC010891032024 | URN: SAW / 1822U / 2024

Indira Education Institute Of Nursing  
-----Appellant  
Versus  
The State Of Rajasthan  
-----Respondent

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For Appellant(s) : Mr. Ankur Mathur  
For Respondent(s) : Ms. Aditi Sharma

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**  
**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**30/07/2026**

1. This Court finds that in *S.B. Civil Writ Petition No. 9837/2022*, order dated 07.11.2023 was passed, para 6 of which reads as follows: -

*"6. It is further made clear that if in future, the petitioner Institutes apply before this Court for grant of any interim order in its favour without applying for issuance of the NOC to the State Government, the same shall be deemed to be in defiance of the directions issued in the present writ petitions."*

2. After the passing of said order dated 07.11.2023, petitioner approached this Court for the third time by way of *S.B. Civil Writ Petition No. 13307/2024*, without complying with afore-quoted directions of the learned Single Judge, and in this respect, the following observations of the learned Single Judge made in the impugned order dated 25.09.2024 are pertinent to note: -

*"9. Having heard learned counsel for the parties, this Court is of the view that in the face of the order dated 07.11.2023 passed in petitioner's earlier writ petition (S.B. Civil Writ Petition No.9837/2022), the petitioner could not have filed a fresh writ petition seeking indulgence of the Court, without applying for the NOC."*

3. Said writ petition was finally dismissed with cost. Relevant paras of the impugned judgment are reproduced hereinbelow: -

*"12. Co-ordinate Bench of this Court in unequivocal terms had directed that the earlier order would be confined to year 2022-23 and the petitioner shall have to apply for NOC.*

*13. The petitioner's action firstly of not applying for NOC and then, filing the present writ petition with impunity and not making a reference is nothing short of misleading.*

*14. The matter has been got listed on 9 occasions in last 40-45 days citing urgency. Substantial hearing has taken place on the previous date and during which learned counsel cited all other orders but the one which has been shown by Mr. Rajpurohit today.*

*15. Filing of the present writ petition is therefore, clearly in defiance of the earlier order passed by Co-ordinate Bench of this Court. And then, non-disclosure of earlier writ petition and not bringing the said order to the notice of the Court is like adding fuel to fire - it cannot be taken lightly."*

4. This Court finds that the conduct of the appellant has not been beyond reproach as appellant completely failed to inform this Court of the earlier proceedings, namely *S.B. Civil Writ Petition No. 9837/2022*, and the order dated 07.11.2023, para 6 of which is reproduced hereinabove, although learned counsel for

the appellant seeks to explain the same as an inadvertent mistake.

5. Learned counsel for the appellant submits that the omission was inadvertent and seeks liberty to file an appropriate application for recall/modification of paragraph 6 of order dated 07.11.2023.

6. Learned counsel for the appellant is granted time to file recall application before appropriate Bench, if so advised.

7. This Court deems it appropriate to await the outcome of the proposed recall application, before proceeding further with the present appeal.

8. List the matter after four weeks.

(SANJEET PUROHIT),J

(DR.PUSHPENDRA SINGH BHATI),J