

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6741/2025

Abhishek Dhaka Son of Mahendra Kumar Dhaka & Ors.
-----Petitioners
Versus
State of Rajasthan & Ors.
-----Respondents

Connected With

S.B. Civil Writ Petition No. 6742/2025

Anshu Saini D/o of Ratan Lal Saini & Ors.
-----Petitioners
Versus
State of Rajasthan & Ors.
-----Respondents

S.B. Civil Writ Petition No. 6743/2025

Aarti Bai D/o Ravindra Kumar Yadav & Ors.
-----Petitioners
Versus
State of Rajasthan & Ors.
-----Respondents

S.B. Civil Writ Petition No. 6744/2025

Lalita Fanan D/o Mahaveer Prasad & Ors.
-----Petitioners
Versus
State of Rajasthan & Ors.
-----Respondents

For Petitioner(s)	:	Mr.M. M. Ranjan, Sr.Adv. assisted by Mr.Yashvardhan Tolani
For Respondent(s)	:	Mr.Vigyan Shah, AAG assisted by Mr.Yash Joshi Mr.Ravi Chirania Mr.Bharat Saini Mr.Kamlakar Sharma, Sr.Adv. assisted by Mr.Rahul Yadhuvanshi

JUSTICE ANOOP KUMAR DHAND

Order

11/07/2025

1. By way of filing these writ petitions, a prayer has been made for issuing direction to the respondents to include the name of the respondent No.5, i.e., Annpurna Training Institute College of Nursing in the list of eligible institutions for the purpose of counselling in B.Sc. Nursing Course.
2. Learned counsel for the petitioners submits that the petitioners are the students of the aforesaid college and they were granted admission by the interim orders passed by this Court in the writ petitions submitted by the respondent-College bearing Nos.18945/2024 and 18956/2024 before the Principle Seat of this Court at Jodhpur.
3. Counsel submits that said writ petitions, submitted by the College, was disposed by the Co-ordinate Bench of this Court at Principal Seat, Jodhpur vide common order dated 11.02.2025, with the following observations and directions in Paras-7 & 8 are as follows:-

"7. The admitted position of the cases clearly shows that the petitioner-Institutions were inspected by the Inspectors and the Inspection Report have been filed, wherein, the recommendations for enhancement of the seats of the Institutions have been made. Thereafter, the matters were examined by the Scrutiny Committee consisting of the highest Officers of the State Government and in its meeting held on 27.07.2021, the Committee has also recommended the cases of the petitioner-Institutions for enhancement of their seats. It is also noted that the Division Bench of this Court vide its judgment dated 01.03.2024 rendered in the case of Private Physiotherapy, Nursing and

Paramedical Institution Society (supra) has declared the condition of "100- bedded own hospital" of the Institutions as invalid and, therefore, the rejection order passed by the State Government rejecting the applications of the petitioner-Institutions for enhancement of the seats is not sustainable.

8. In view of the discussions made above, the present writ petitions are disposed of with a direction to the State Government to reconsider the cases of the petitioner-Institutions for grant of No Objection Certificate afresh in view of the Inspection Report, the recommendation of the Scrutiny Committee and the law laid down by the Division Bench of this Court in judgment dated 01.03.2024 in the case of Private Physiotherapy, Nursing and Paramedical Institution Society (supra), by passing a speaking order. Needful shall be done by the State Government within a period of eight weeks from the date of receipt of the certified copy of this order, strictly in accordance with law."

4. Counsel submits that a clear and specific direction was issued to the State Government to consider the case of the respondent-college for grant of NOC afresh, in view of inspection report and the recommendations made by the Scrutiny Committee and in the light of the order passed by the Division Bench of this Court in the case of **State of Rajasthan Vs. Private Physiotherapy, Nursing and in Paramedical Institution Society: D.B. Special Appeal Writ No.11/2023**. Counsel submits that the respondents were directed to take a decision within a period of eight weeks from the date of receipt of certified

copy of the said order. Counsel submits that in spite of passing of considerable time, till date, the State Government is sitting over the matter and now, the University is going to conduct the examination and the last date for submission of examination form is 15.07.2025 with double late fee. Counsel submits that under these circumstances, appropriate orders are requested to be passed by this Court.

5. Mr.Vigyan Shah, AAG has put-in appearance on behalf of the State officials and submits that pursuant to the order dated 11.02.2025 passed by the Co-ordinate Bench of this Court at Principal Seat, Jodhpur, the entire matter has been processed and at present, the matter is *sub judice* before the Minister of concerned Department and final decision of the State Government would be apprised to this Court very soon.

6. This Court is not satisfied with the aforesaid submission made by State counsel particularly, when clear and specific order was passed by the Co-ordinate Bench of this Court at Principal Seat, Jodhpur vide order dated 11.02.2025 to the respondent-State to pass a fresh order, in terms of the directions issued in Paras-7 & 8 of the said order, within a period of eight weeks and the said prescribed period has already expired, way back in the month of April, 2025 and thereafter, months of May and June have also passed.

7. The State Government being a welfare State cannot be allowed to sit over the matter, particularly when the life, interest and career of the students is at stake. The order passed by the Co-ordinate Bench of this Court should not be taken in a casual

manner and such act on the part of the State officials amounts to contempt of the Court.

8. On various occasions, it has been noticed by this Court that the State officials are not complying with the directions passed by this Court within the time prescribed. They often treat the directions of the Court in a casual manner. The leniency of the Court should not be taken in a casual manner. It is a fit case where the disciplinary action is required to be taken against all the delinquents, who are responsible for the delay caused in making compliance of the order dated 11.02.2025.

9. This Court is constrained to observe that the instant case is a classic and glaring textbook example of obstination exhibited by the State officials, who considered themselves to be above and beyond the reach of law. Non-compliance of the order dated 11.02.2025, even after a lapse of almost five months, it is shocking and *prima facie* contemptuous, which warrants disciplinary action against the officials, who are responsible for non-compliance of the Court's order.

10. Contempt of the Court's order is a serious legal infraction that strikes at the very sole of justice and sanctity of legal proceedings. When a party engages in contempt, it does more than simply refusing to comply with the Court's order by failing to adhere to the judicial directions. A contemnor not only disrespects the specific order but also directly questions the Court's ability to uphold the rule of law. It erodes the public confidence in the judicial system and its ability to deliver justice impartially and effectively.

11. The Courts ordinarily take a lenient approach in cases of some delay caused in compliance of the orders, unless the same is deliberate and willful, on confronting the conduct of the contemnor that strikes the very heart of judicial authority. But the lenient approach of the Court should not be taken lightly and casually by the State instrumentalities. In the eventuality of the order passed by this Court is not complied with now, this Court would be constrained to pass appropriate orders, at an appropriate stage.

12. Before taking appropriate action against them, this Court deems it just and proper to direct the Principal Secretary, Department of Medical & Health and Joint Secretary, Department of Medical & Health to remain present before this Court on 14.07.2025 at 2:00 PM through Video Conferencing (V.C.) along-with explanation, by way of filing an affidavit, giving out reasons of delay caused in making compliance of the order passed by this Court.

(ANOOP KUMAR DHAND),J