

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9064/2024

Swasthya And Shikshan Vikas Sansthan

-----Petitioner

Versus

State Of Rajasthan and Ors.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 10727/2024

Swasthya Avam Shiksha Vikas Sansthan

-----Petitioner

Versus

State Of Rajasthan and Ors.

-----Respondents

For Petitioner(s)	:	Mr. Saransh Saini
For Respondent(s)	:	Mr. Archit Bohra, AGC
		Mr. S.M. Sharma for
		Mr. Manoj Sharma, AAG
		Mr. T.L. Pandey
		Mr. Bhupendra Pareek

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

10/02/2025

1. Heard counsel for respective parties on the interim relief.
2. Counsel for petitioner submits that petitioner, a registered Society, is under control, management and supervision of the elected Executive Committee to which Mr. Mahipal Kumawat is the President and Mr. Shashipal Kumawat is the Secretary, who have also been certified by the Registrar of the Co-operative Societies.
3. It has further been submitted that the Rajasthan Hospital School of Nursing, imparting GNM course, was being run by the petitioner-Society initially at Pancholi Bhawan, Laxman Chowk, Alwar Gate, Ajmer, but later on, it was permitted to be shifted at Tabiji Railway Crossing, Beawar Road, Ajmer.

4. It has been pointed out that in the meanwhile, property at Tabiji Railway Crossing Beawar Road, Jaipur came under acquisition due to which, the Nursing School was shifted and has been running at Village Saradhana, Tehsil and District Ajmer, since 2013-14 but simultaneously, management of the petitioner-Society underwent changes and the erstwhile Management Committee headed by Mr. Hemraj Chandalia, respondent No.9 herein, moved an application seeking to change the place of Nursing College from Tabiji, MDS University Marg, opposite JLN Medical College New Building to Aditya Bhawan, Kayad, Ajmer. Pursuant to his application dated 20.03.2024, the Registrar, Rajasthan Nursing Council, Jaipur vide order dated 03.05.2024 (Annx.-19), permitted the change of place whereas the correct fact in respect of the authorized and accepted Executive Committee of the petitioner-Society was not clarified before the Registrar, Rajasthan Nursing Council because through letters dated 02.05.2024 and 14.05.2024 (Annx.17 and Annx.18), Council itself asked details of the present Executive & Management Committee of the petitioner-Society from the Registrar, Co-operative Societies.

5. It has been submitted by the counsel for the petitioner that on account of change of place of the Nursing College vide order dated 03.05.2024, CMHO, Ajmer has put a seal on the premise of Nursing School, running at Village Sardhana on 14.05.2024 and again on 26.06.2024. Hence, assailing the order dated 03.05.2024, passed by the Registrar, Rajasthan Nursing Council so also the seal put on 14.05.2024 by the CMHO Ajmer, S.B. CWP No.9064/2024, has been filed and for assailing the seizure made on 26.06.2024 by the CMHO, S.B. CWP No.10727/2024 has been filed.

6. Counsel for the petitioner states at bar that the Nursing College was being run at Sardhana since 2013-14 and apparently on account of acquisition of the erstwhile place of school situated at Tabiji, an additional affidavit dated 03.01.2025 has been placed on record in that respect. In addition, his submission that in the meanwhile the present Management Committee of petitioner-Society has developed an infrastructure to run the Nursing School at Tabiji itself and petitioner-Society through its Secretary, Mr. Shashipal Kumawat is ready to submit an application before the Registrar, Rajasthan Nursing Council to call for inspection for granting approval to the petitioner-Society, to run the Nursing School in the name of Rajasthan Hospital School of Nursing at that place. The change of place, permitted vide order dated 03.05.2024 (Annx.-19) on behest of respondent No.9 is arbitrary, hence, be ignored and set aside as also the seal put on the premise at Sardhana be ordered to be de-sealed.

7. Learned counsel appearing on behalf of State and concerned CMHO as also for the Registrar, Rajasthan Nursing College, Jaipur, though during the course of argument has repelled the contentions made by counsel for petitioner, in respect of passing of an order dated 03.05.2024 illegally on behest of private respondent No.9 and putting a seal by the CMHO on the premise of petitioner at Tajibi or at Saradhna arbitrarily and without authority, rather it has been argued that petitioner by his own opened the seal and for such an illegal act, an FIR was lodged against petitioner. However, counsel for State and Nursing Council does not oppose the prayer that in case, petitioner submits an application proposing an other appropriate place to run the Nursing School at Tabiji, such application would be

considered in accordance with law and procedure and, if the new proposed place and infrastructure at Tabiji is found as per the required norms, same would be registered to run the Nursing School by petitioner-Society, subject to deposition of fee and charges.

8. Counsel appearing on behalf of private respondents No.9 & 10, has vehemently opposed the contention of counsel for petitioner and submits that in the fresh election of petitioner-Society held in 2020, Mr. Hemraj Chandalia (respondent No.9 herein) was elected as President of the petitioner-Society and he was authorized to apply for change of place of Nursing School. Respondents No.9 and 10 support the orders impugned herein.

9. Counsel appearing on behalf of Registrar, Co-operative Society-respondent No.2, has filed reply to the writ petition and has enclosed a letter dated 24.05.2024 (Annx.R-5), certifying the Management Committee under the headship of Mr. Mahipal Kumawat, being presently authorized and accepted elected committee of the petitioner-Society.

However, it is hereby made clear and observed that this Court in exercise of its jurisdiction under Article 227 of the Constitution of India is not entering into area of dispute as to which Management Committee/ Elected Committee of the petitioner-Society is authorized and such dispute is left open to be considered and finally adjudicated by the Registrar, Cooperative Society.

10. It has been brought on record and informed to this court by the respondent-State and Registrar, Rajasthan Nursing Council, that after seizure of premise of Nursing School at Sardhana, run by petitioner-Society, the batch of GNM has been allowed to undergo for studies and practical classes at Nursing Government College, Ajmer.

Nevertheless, counsel for petitioner submits that since petitioner-Society has developed infrastructure at Tabiji, where the school was continuing earlier, before acquisition of its land, hence, respondent be directed to grant approval and register the new place at Tabiji for running Rajasthan Hospital School of Nursing.

11. This Court, having considered the rival submissions of respective counsels and keeping in mind the future of the students undergoing GNM course at the Rajasthan Hospital School of Nursing, Ajmer, deems it just and proper to pass directions as an interim measure that if petitioner moves an application before the Registrar, Rajasthan Nursing Council, for registration of Rajasthan Hospital School of Nursing at a new place in Tabiji, Ajmer, within a period of ten days, such application shall be considered by the respondents-authorities in accordance with law & procedure and after conducting due inspection of the proposed premise, if same is found to be in accordance with norms and requisite fees is duly deposited by the petitioner, respondents shall consider the application for grant of approval/registration permitting petitioner-Society to operate the nursing school of Rajasthan Hospital School of Nursing at the place, Tabiji.

12. Since at village Sardhana, admittedly no approval was granted to petitioner to run Nursing School, hence, the respondents are directed to de-seal that premise at Sardhana but petitioner-Society shall not continue the activities of Nursing School at Village Sardhana and de-seal of petitioner's premise will not put the petitioner-Society to any advantageous position to run the Nursing School there.

13. However, in commencing the proceedings of grant of approval at Tabiji, the previous conduct of petitioner or order dated

03.05.2024 (Annx.19) and orders of putting seal on premise on 14.05.2024 and again on 26.06.2024, which has been ordered to be de-sealed or criminal proceedings, if any pending against petitioner, shall not come in the way to consider the case of petitioner for approval/registration at Tabiji in accordance with law.

14. Let the exercise be done and completed by the respondents-authorities, preferably within a period of two months from today.

15. Let these writ petitions be listed after eight weeks.

(SUDESH BANSAL),J

SOURAV /155-156