

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.11256/2025

Vijay Yadav S/o Bhagchand Yadav & Others

----Petitioners

Versus

The State Of Rajasthan & Others

----Respondents

For Petitioner(s)	:	Ms. Sudesh Kasana
For Respondent(s)	:	Mr. Vigyan Shah, AAG
		Mr. M.A. Khan
		Mr. Gunjan Chawla for
		Mr. Neeraj Batra, GC

JUSTICE ANOOP KUMAR DHAND

Order

25/07/2025

1. Learned counsel for the petitioners submits that the Principal Seat at Jodhpur in a writ petition being S.B. Civil Writ Petition No.21513/2024, submitted by the respondent No.5, passed an interim order on 18.12.2024 directing the respondents to allow the petitioner-institute therein to participate in the counselling process for B.Sc. Nursing Course regarding for the Academic Year 2024-25.

2. Learned counsel for the petitioners submits that it was also observed by the co-ordinate Bench of this Court that if the said institution is not entitled for NOC, then the State would send a communication in this regard to the said institute. Learned counsel submits that the aforesaid order was passed way-back in the month of December, 2024 and more than 7-8 months have passed by now. Learned counsel submits that in pursuance of the aforesaid interim order passed by the co-ordinate Bench of this

Court at the Principal Seat at Jodhpur, the petitioners were granted admission by the said institute by the order passed by the Rajasthan University of Health Sciences in compliance of the Court's order. Learned counsel submits that now their examination are going to commence from 26.07.2025 but the University is not allowing the petitioners to participate in the ensuing examination.

3. Learned counsel appearing on behalf of the respondent-University submits that the petitioners cannot be allowed to be admitted and cannot be permitted to appear in the examination unless and until the institute where the petitioners are studying obtains a valid NOC from the State Government.

4. Learned Additional Advocate General appearing on behalf of the respondent-State submits that the matter, with regard to NOC, is under consideration at higher level and till date no decision has been taken.

5. It is quite shocking and surprising on the part of the State to keep the matters pending and hanging for indefinite time. Being welfare State, it is not expected from the State instrumentalities to sit over the matter and keep mum for an indefinite time. It is ultimately the students, who have been given admission, who would suffer on account of negligent attitude of the State authorities.

6. On the last occasion in an identical situation, this Court directed the Principal Secretary as well as Joint Secretary, Department of Medical & Health to remain present before this Court through Video Conferencing. Accordingly, they appeared and assured this Court that appropriate orders, with regard to grant of NOC, will be passed by the higher authorities very soon as the

matter is related to policy decision of the State. More than two weeks have passed thereafter, but till date the compliance of the Court's order has not been made in letter and spirit.

7. It appears that State officials are taking the Court's orders in a casual manner. Such an act on the part of the State instrumentalities certainly amounts to contempt of the Court. However, appropriate orders would be passed at appropriate time by this Court in this regard.

8. In the facts and circumstances of the case and looking to the fact that examination of the petitioners is scheduled on 26.07.2025, this Court deems it just and proper to direct the respondents, by way of an interim measure, to provisionally allow the petitioners to appear in the ensuing examination. However, their result be not declared without prior permission of this Court. It is made clear that no equity will be created in favour of the petitioners on the basis of the interim order passed by this Court.

9. List this case on 11.08.2025.

10. In the meantime, counsel for the State-respondent is directed to apprise this Court about the decision taken by the State with regard to the application submitted by the respondent No.5 seeking NOC.

(ANOOP KUMAR DHAND),J