HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 365/2020

Santosh Swami D/o Shri Sita Ram, Aged About 33 Years, W/o Shri Nemi Chand Swami, Resident Of Village Loha, Tehsil Ratangarh, District Churu.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Medical And Health Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Director (Admn)., Department Of Medical And Health, Rajasthan, Jaipur.

----Respondents

Connected With

S.B. Civil Writ Petition No. 18875/2019

Smt. Kushalya D/o Shri Heera Ram, Aged About 27 Years, W/o Shri Manvendra Singh, B/c Jat, R/o Village Bakana Kua, Post Garal, Tehsil And District Barmer.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Medical And Health Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Additional Director (Admn)., Department Of Medical And Health, Rajasthan, Jaipur.
3. Registrar, Rajasthan Nursing Council, B-39, Sardar Patel Marg, C- Shceme, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Ramawtar Singh Mr. S.L. Jain
For Respondent(s)	:	Mr. Shreyansh Mehta } All through Cisco Webex App

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JUSTICE DINESH MEHTA

Order

07/12/2020

1. The controversy involved in these writ petitions is as to whether the qualification of Adeeb is equivalent to Secondary Examination of Board of Secondary Education, Ajmer, Rajasthan.

2. Issue involved and raised in the present writ petition has already been decided by this Court vide judgment dated 29.08.2017 in the matter of Chandra Kiran Meena Vs, State of Rajasthan & Anr. in SBCWP No.9992/2017 whereby this Court has held as under :-

> "A perusal of both judgments aforesaid reveals that this Court has, in no ambiguous terms, held that the aforesaid courses, namely, Adeeb & Adeeb-e-Mahir from Jania Urdu, Aligarh, have been de-recognized by the State of Rajasthan in 1991 and in light thereof, the candidates having these educational qualifications are not entitled to seek employment. This Court has expressed its anguish and concern that despite repeated determination and consistent view, the efforts are being made to seek indulgence for such courses.
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> The argument of the petitioner that since the matter, regarding recognition/de-recognition, is pending consideration before the Larger Bench of this Court, the petitioner should be extended indulgence, cannot be countenanced at this state, particularly when, there are two direct judgments, as aforesaid, rendered by this Court, that the educational qualifications of Adeeb & Adeeb-e-Mahir from Jamia Urdu, Aligarh are not recognized by the State of Rajasthan."

3. Mr. Mehta, learned counsel for the respondents submitted that Larger Bench of this Court has disposed of the reference vide order dated 20.02.2020, as having been rendered infructuous.

4. A perusal of the order reveals that the same has been done in light of order dated 25.10.2018 passed by Hon'ble the Supreme Court in **Civil Appeal Nos.10721-107222 of 2018 (Arising out of SLP (c) Nos. 14573-14574 of 2012, titled as Jamia Urdu Aligarh Etc. versus The State of Rajasthan and others;** the said order of the Larger Bench in DB Civil Reference No.2/2020 in DB Civil Writ Petition No.3248/2013 reads as under :-

> **"**Now during the pendency of the reference, order dated 25.10.2018 has been passed by the Hon'ble Supreme Court in ***Civil Appeal Nos.10721-107222 of 2018 (Arising out of SLP (c) Nos. 14573-14574 of 2012, titled as Jamia Urdu Aligarh Etc. versus The State of Rajasthan and others,*** arising out of *Firdos Tarannum's* case (supra) and the said order reads as under :-
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> > *"1. Leave granted.*
> > *2. Having heard learned counsel on both sides, we find that it is undisputed that the appellant-institution was not heard before the impugned judgment was passed, Even so, the appellant's degrees have been held to be invalid on the ground that there is no sanction to the existence of the apellant's institution itself.*
> > *3. On the short ground that the appellant-institution was not heard, we consider it appropriate to set aside the impugned judgment and order and remit the matter back to the High Court for a fresh decision in accordance with law after hearing the appellant-institution. The High Court may decide the matter as expeditiously as possible, preferably not later than one year.*

4. The appeals are disposed of accordingly.

Thus, the situation now emerges is, that at present, the Division Bench judgment of this Court in *Firdos Tarannum's* case (supra) has been set aside. Thus, at this stage, there are no two different/divergent views/decisions given by this Court, which would require consideration by a Larger Bench.

Thus, the reference at this stage is rendered infructuous. Hence, the reference is returned as having been rendered infructuous.**"**

5. It is therefore clear that the issue at hand is now pending consideration before the Division Bench of this Court.

6. In considered opinion of this Court, when there are two direct judgments of Coordinate Benches, holding that the Educational qualification of Adeeb and Adeeb-e-Mahir from January are not recognized by the State of Rajasthan, there is no point in keeping these petition(s) pending.

7. In light of the aforesaid and following judgment dated 29.08.2017 being SBCWP No.9992/2017 rendered in case of Chandra Kiran Meena Vs. State of Rajasthan & Anr., these writ petitions are also dismissed.

(DINESH MEHTA),J

2-3-Amar/-