HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 16408/2024

1. Maa Sanja Devi ITC, Bharatpur Road, Bayana, District Bharatpur, run and managed by Maa Sanja Devi Seva Sansthan, Vidyari, Tehsil Bayana, District Bharatpur, Through President Kedar Nath Sharma S/o Shri Ghiddaram Sharma Aed About 56 Years, R/ko Bidyari, Tehsil Bayana, District Bharatpur.
2. Maa Kameshwari ITC, Near Police Thana, Bhusawar, Weir, District Bharatpur, Run And Managed By Maa Kameshwari Technical Education And Educational Society, Tehsil Weir, District Bharatpur, Through Secretary Somprakash S/o Shri Chetram Sharma Aged About 56 Years, R/o Chaitoli, Bhusawar, District Bharatpur, Raj.
3. Cambridge Private ITI, Bhilwara Near Mahaprage College Negdiya Road Asind Rajasthan, Run And Managed By Shri Vidhyabharti Sansthan, Asind, District Bhilwara, Through Dinesh Sahu S/o Shri Shrawan Lal Sahu Aged About 32 Years, R/o Opp. Gokul Dairy, Bsnl Road, Asind, District-Bhilwara.

----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Technical Education, Government Of Rajasthan, Jaipur.
2. The Director (Training), Directorate Technical Education Rajasthan, Jodhpur.

----Respondents

Connected With

1. S.B. Civil Writ Petition No. 16453/2023
2. S.B. Civil Writ Petition No. 6414/2024
3. S.B. Civil Writ Petition No. 15450/2024
4. S.B. Civil Writ Petition No. 15518/2024
5. S.B. Civil Writ Petition No. 15662/2024
6. S.B. Civil Writ Petition No. 15675/2024
7. S.B. Civil Writ Petition No. 15684/2024
8. S.B. Civil Writ Petition No. 15695/2024
9. S.B. Civil Writ Petition No. 15773/2024
10. S.B. Civil Writ Petition No. 15785/2024
11. S.B. Civil Writ Petition No. 15835/2024
12. S.B. Civil Writ Petition No. 15874/2024
13. S.B. Civil Writ Petition No. 16079/2024

14. S.B. Civil Writ Petition No. 16082/2024
15. S.B. Civil Writ Petition No. 16086/2024
16. S.B. Civil Writ Petition No. 16170/2024
17. S.B. Civil Writ Petition No. 16173/2024
18. S.B. Civil Writ Petition No. 16222/2024
19. S.B. Civil Writ Petition No. 16233/2024
20. S.B. Civil Writ Petition No. 16295/2024
21. S.B. Civil Writ Petition No. 16308/2024
22. S.B. Civil Writ Petition No. 16311/2024
23. S.B. Civil Writ Petition No. 16314/2024
24. S.B. Civil Writ Petition No. 16324/2024
25. S.B. Civil Writ Petition No. 16383/2024
26. S.B. Civil Writ Petition No. 16399/2024
27. S.B. Civil Writ Petition No. 16416/2024
28. S.B. Civil Writ Petition No. 16417/2024
29. S.B. Civil Writ Petition No. 16418/2024
30. S.B. Civil Writ Petition No. 16529/2024
31. S.B. Civil Writ Petition No. 16533/2024
32. S.B. Civil Writ Petition No. 16541/2024
33. S.B. Civil Writ Petition No. 16545/2024
34. S.B. Civil Writ Petition No. 16548/2024
35. S.B. Civil Writ Petition No. 16580/2024
36. S.B. Civil Writ Petition No. 16596/2024
37. S.B. Civil Writ Petition No. 16602/2024
38. S.B. Civil Writ Petition No. 16603/2024
39. S.B. Civil Writ Petition No. 16620/2024
40. S.B. Civil Writ Petition No. 16625/2024
41. S.B. Civil Writ Petition No. 16627/2024
42. S.B. Civil Writ Petition No. 16628/2024
43. S.B. Civil Writ Petition No. 16633/2024
44. S.B. Civil Writ Petition No. 16637/2024
45. S.B. Civil Writ Petition No. 16639/2024
46. S.B. Civil Writ Petition No. 16641/2024
47. S.B. Civil Writ Petition No. 16644/2024
48. S.B. Civil Writ Petition No. 16647/2024
49. S.B. Civil Writ Petition No. 16664/2024

50. S.B. Civil Writ Petition No. 16674/2024
51. S.B. Civil Writ Petition No. 16716/2024
52. S.B. Civil Writ Petition No. 16720/2024
53. S.B. Civil Writ Petition No. 16724/2024
54. S.B. Civil Writ Petition No. 16726/2024
55. S.B. Civil Writ Petition No. 16735/2024
56. S.B. Civil Writ Petition No. 16736/2024
57. S.B. Civil Writ Petition No. 16737/2024
58. S.B. Civil Writ Petition No. 16738/2024
59. S.B. Civil Writ Petition No. 16739/2024
60. S.B. Civil Writ Petition No. 16754/2024
61. S.B. Civil Writ Petition No. 16848/2024
62. S.B. Civil Writ Petition No. 16850/2024
63. S.B. Civil Writ Petition No. 16851/2024
64. S.B. Civil Writ Petition No. 16853/2024
65. S.B. Civil Writ Petition No. 17160/2024
66. S.B. Civil Writ Petition No. 17179/2024
67. S.B. Civil Writ Petition No. 17182/2024
68. S.B. Civil Writ Petition No. 17184/2024
69. S.B. Civil Writ Petition No. 17394/2024
70. S.B. Civil Writ Petition No. 17404/2024
71. S.B. Civil Writ Petition No. 17408/2024
72. S.B. Civil Writ Petition No. 17413/2024
73. S.B. Civil Writ Petition No. 17416/2024
74. S.B. Civil Writ Petition No. 17418/2024
75. S.B. Civil Writ Petition No. 17421/2024
76. S.B. Civil Writ Petition No. 17422/2024
77. S.B. Civil Writ Petition No. 17433/2024
78. S.B. Civil Writ Petition No. 17458/2024
79. S.B. Civil Writ Petition No. 17464/2024
80. S.B. Civil Writ Petition No. 17472/2024
81. S.B. Civil Writ Petition No. 17475/2024
82. S.B. Civil Writ Petition No. 17489/2024
83. S.B. Civil Writ Petition No. 17498/2024
84. S.B. Civil Writ Petition No. 17505/2024
85. S.B. Civil Writ Petition No. 17510/2024

86. S.B. Civil Writ Petition No. 17618/2024
87. S.B. Civil Writ Petition No. 17656/2024
88. S.B. Civil Writ Petition No. 17663/2024
89. S.B. Civil Writ Petition No. 17675/2024
90. S.B. Civil Writ Petition No. 17688/2024
91. S.B. Civil Writ Petition No. 17693/2024
92. S.B. Civil Writ Petition No. 17705/2024
93. S.B. Civil Writ Petition No. 17706/2024
94. S.B. Civil Writ Petition No. 17707/2024
95. S.B. Civil Writ Petition No. 17708/2024
96. S.B. Civil Writ Petition No. 17709/2024
97. S.B. Civil Writ Petition No. 17733/2024
98. S.B. Civil Writ Petition No. 17735/2024
99. S.B. Civil Writ Petition No. 17736/2024
100. S.B. Civil Writ Petition No. 17739/2024
101. S.B. Civil Writ Petition No. 17741/2024
102. S.B. Civil Writ Petition No. 17818/2024
103. S.B. Civil Writ Petition No. 17836/2024
104. S.B. Civil Writ Petition No. 17863/2024
105. S.B. Civil Writ Petition No. 17879/2024
106. S.B. Civil Writ Petition No. 17882/2024
107. S.B. Civil Writ Petition No. 17903/2024
108. S.B. Civil Writ Petition No. 17949/2024
109. S.B. Civil Writ Petition No. 17950/2024
110. S.B. Civil Writ Petition No. 17952/2024
111. S.B. Civil Writ Petition No. 17953/2024
112. S.B. Civil Writ Petition No. 17955/2024
113. S.B. Civil Writ Petition No. 17958/2024
114. S.B. Civil Writ Petition No. 17961/2024
115. S.B. Civil Writ Petition No. 17964/2024
116. S.B. Civil Writ Petition No. 17969/2024
117. S.B. Civil Writ Petition No. 17993/2024
118. S.B. Civil Writ Petition No. 18002/2024
119. S.B. Civil Writ Petition No. 18009/2024
120. S.B. Civil Writ Petition No. 18030/2024
121. S.B. Civil Writ Petition No. 18037/2024

122. S.B. Civil Writ Petition No. 18041/2024
123. S.B. Civil Writ Petition No. 18043/2024
124. S.B. Civil Writ Petition No. 18124/2024
125. S.B. Civil Writ Petition No. 18125/2024
126. S.B. Civil Writ Petition No. 18126/2024
127. S.B. Civil Writ Petition No. 18128/2024
128. S.B. Civil Writ Petition No. 18129/2024
129. S.B. Civil Writ Petition No. 18175/2024
130. S.B. Civil Writ Petition No. 18179/2024
131. S.B. Civil Writ Petition No. 18186/2024
132. S.B. Civil Writ Petition No. 18197/2024
133. S.B. Civil Writ Petition No. 18454/2024
134. S.B. Civil Writ Petition No. 18458/2024
135. S.B. Civil Writ Petition No. 18472/2024
136. S.B. Civil Writ Petition No. 18852/2024
137. S.B. Civil Writ Petition No. 18864/2024
138. S.B. Civil Writ Petition No. 19695/2024

For Petitioner(s)	:	Mr. Mansoor Ahmed Siddiqui, Mr. Bhawani Singh Ransi, Mr. KPS Bhati Mr. Jayram Saran
For Respondent(s)	:	Mr. IR Choudhary, AAG with Mr. Vinay Baghmar & Mr. Pawan Bharti

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HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

09/12/2024

1. Heard learned counsel for the parties.

2. The present batch of writ petitions arise out of an order/notice dated 04.09.2024 passed by the Director (Training), Directorate, Technical Education, Rajasthan, Jodhpur and involves

common question of fact and law, therefore, the present batch of writ petitions is being disposed of by this common order.

3. Facts of **S.B. Civil *Writ Petition No.16408/2024 (Maa Sanja Devi ITC & Ors. V/s State of Rajasthan & Anr.)*** are being taken into consideration for deciding the controversy involved in these writ petitions.

4. The petitioner-Institutions are Private ITI Colleges established prior to 2018. These institutions are imparting technical education in different disciplines. While the technical institutions were imparting the technical education to the students admitted by them, the State Government has taken a decision that all the private technical institutions shall deposit a Bank Guarantee of Rs.50,000/- per unit in the prescribed proforma for a period of 05 years. This bank guarantee is required to be submitted before the Directorate, State Government within a period of one month. If any institution fails to deposit such Bank Guarantee, then appropriate action against that particular institution will be taken including the process of de-affiliation of that institution. Hence the present writ petitions have been filed.

5. Mr. M. A. Siddiqui, Mr. Bhawani Singh Ransi, Mr. KPS Bhati & Mr. Jayram Saran, learned counsel for the petitioners vehemently submitted before this Court that the petitioner-Institutions had been established prior to 2018 and, therefore, there is no question of asking for a Bank Guarantee of Rs.50,000/- per unit by the respondents. They submit that the institutions are running uninterruptedly for all these years and, therefore, they are

credible and renowned in imparting technical education in the State of Rajasthan.

6. Learned counsel further submit that in the identical set of facts, a bunch of writ petitions led by ***S.B. Civil Writ Petition No.7378/2020 (Guru Kripa Pvt. ITI V/s State of Rajasthan & Anr.)*** was filed before Jaipur Bench of this Court and the same was disposed of by the learned Single Judge vide order dated 02.12.2020. As per the order dated 02.12.2020, the learned Single Judge held that colleges which are established prior to 2018 are not required to deposit the Bank Guarantee of Rs.50,000/-. They submit that the order dated 02.12.2020 was challenged before the Hon'ble Division Bench of this Court at Jaipur Bench by way of filing an appeal being ***D.B. Special Appeal Writ No.147/2021 (The Deshraj Pvt. ITI & Ors. V/s State of Rajasthan & Ors.)*** and the Division Bench vide judgment dated 18.07.2023 affirmed the order dated 02.12.2020 by dismissing the appeal.

7. Learned counsel for the petitioners, therefore, submit that the State Government cannot insist upon the petitioners-Institutions to pay Bank Guarantee of Rs.50,000/- per unit as they have been established prior to 2018. Thus, they pray that the writ petitions may be allowed and the order/notice dated 04.09.2024 and other orders passed on the similar lines may be quashed and set-aside.

8. Per contra, Mr. I.R. Choudhary, learned Additional Advocate General submits that the order/notice dated 04.09.2024 and the orders passed on similar lines are perfectly justified as day-in and

day-out, the private ITI colleges after establishment are closed for one reason or the other and the students who have taken admission in such colleges, are required to be adjusted in some other colleges at the cost of Public Exchequer by the State Government. He further submits that to ensure the completion of the technical education of the students admitted in the private institutions and to safeguard their interest, the order/notice dated 04.09.2024 has been passed by the State Government.

9. Learned counsel further submits that the amount asked for is also very reasonable and he submits that the finding recorded by the learned Single Judge in the case of ***Guru Kripa Pvt. ITI (supra)*** does not speak about creating any distinction among the institutions established prior to 2018 and the institutions established after 2018.

10. Learned counsel further submits that in case of ***Guru Kripa Pvt. ITI (supra),*** the exemption from deposition of Bank Guarantee was granted to the institutions only for the Session commencing from 2014 to 2017. No distinction can be created between the colleges established prior to 2018 and colleges established after 2018 as the parameters for charging Bank Guarantee of Rs.50,000/- per unit is equally applicable to both kinds of institutions. Learned counsel also submits that the direction issued by the State Government for deposition of Bank Guarantee of Rs.50,000/- per unit by the private ITI Colleges does not suffer from any infirmity and, therefore, no interference is warranted in the present writ petitions.

11. I have considered the submissions made at the Bar and gone through the relevant record of the cases including the orders impugned passed in all these writ petitions.

12. The undisputed facts disclosed in the present writ petition and other connected matters are that the petitioners are private ITI colleges established at different period of time prior to 2018. The institutions are running and rendering technical education to the students in the State of Rajasthan. The State Government has issued the directions to all those private institutions for deposition of Bank Guarantee of Rs.50,000/- per unit, keeping in mind the fact that if an institution is closed in mid session, the students admitted by that particular institution are required to be adjusted in some other institute including Government institute to safeguard the future of those students and in the process, the expenditure is incurred. In order to prevent such a situation, the order of deposition of Bank Guarantee of Rs.50,000/- per unit has been passed by the State Government. In the opinion of this Court, the intention of the State Government appears to be just, proper and pious.

13. The argument of the learned counsel for the petitioners that the order passed in the case of ***Guru Kripa Pvt. ITI (supra)*** is only to the extent that the private institutions which are established after 2018, are required to deposit Bank Guarantee of Rs.50,000/- per unit and not the institutions which are established prior to 2018. A bare perusal of the order rendered by the co-ordinate Bench in the case of ***Guru Kripa Pvt. ITI (supra)*** clearly goes to show that the argument of the learned counsel for

the petitioners is untenable and incorrect. The co-ordinate Bench has held as under :-

> **"*This Court does not not find any substance in the submission of learned counsel for the petitioners that the institutes/private colleges, who were to be established after 2018, were alone required to give bank guarantee.*
>
> *This Court finds that all colleges either they were already running or if new colleges were to be set up, the requirement of bank guarantee, was to be complied with by all such institutes.*"**

The above finding clearly goes to show that the distinction which the learned counsel for the petitioners is trying to make has already been rejected by the co-ordinate Bench.

14. The said order dated 02.12.2020 has been affirmed by the Hon'ble Division Bench of this Court at Jaipur Bench vide judgment dated 18.07.2023 in the case of ***the Deshraj Pvt. ITI & Ors. (supra)***.

15. This Court is firmly of the view that the order/notice dated 04.09.2024 asking for deposition of the Bank Guarantee of Rs.50,000/- per unit is perfectly justified to secure the future of the students who are undertaking technical education in these private institutions.

16. This Court is of the opinion that imposition of such condition with a pious object will only enhance the confidence of the students as well as the institutions, who are genuinely involved in imparting technical education. Such condition shall also operate as a deterrent to the bogus entrepreneurs and will only encourage

the genuine entrepreneurs to establish the private ITI institutions in the State of Rajasthan.

17. In the order passed by the co-ordinate Bench of this Court at Jaipur Bench, there is no stipulation that the condition of deposition of Bank Guarantee of Rs.50,000/- per unit is applicable only on those institutions who have been established after 2018 and, therefore, even the institutions which are established prior to 2018 are under an obligation to deposit Bank Guarantee of Rs.50,000/- per unit as ordered by the respondents vide order/notice dated 04.09.2024 and other orders issued from time to time.

18. In view of the discussions made above, no interference is warranted in these writ petitions and the same are devoid of any force. Hence, the present writ petitions are dismissed.

19. The stay petitions as well as other pending misc. applications, if any, stand disposed of accordingly.

20. A copy of this order be separately placed in each petition.

(VINIT KUMAR MATHUR),J

25-164 (except 158)SunilS/Anil Arora/-