HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 4869/2023

Jaiswal College Of Nursing, 1- Ka-28, Vigyan Nagar Kota, Rajasthan, Through Its Representative Puneet Jaiswal S/o Late Sh. Banarsi Lal, Aged About 46 Years.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical And Health Department, Government Of Rajasthan, Government Secretariat, Jaipur (Rajasthan).
2. Rajasthan Nursing Council, Through Its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur (Rajasthan).
3. Rajasthan University Of Health And Science, Through Its Registrar, Kumbha Marg, Partap Nagar, Jaipur, Rajasthan.
4. Private Physiotherapy, Nursing And Para Medical Institutions Society, Branch Office Jodhpur Through Its Secretary, Plot No. 273, Subhash Nagar, Pal Road, Jodhpur Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Ankur Mathur.
For Respondent(s)	:	Mr. N.S.Rajpurohit, AAG. Dr. Mohit Singhvi with Mr. Vishwas Khatri. Mr. Sangram Singh.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

03/02/2025

1. Heard learned counsel for the parties.

2. The petitioner-Institution is imparting education by undertaking the post basic courses of B.Sc (N). The present Institution has applied for the requisite permission from the State Government. Despite having completed all the requisite formalities for grant of "No Objection Certificate", the State Government has

not decided/granted "No Objection Certificate" to the petitioner-Institution for 30 seats, therefore, the present writ petition has been filed.

3. Learned counsel for the petitioner-Institution submits that the petitioner-Institution after having completed all the requisite formalities is running in accordance with law. He further submits that the infrastructure for imparting education in the nursing course are available with the petitioner-Institution. He further submits that the petitioner-Institution has been inspected by the competent authorities of the respondent-Department and have not found any infirmity till date. He further submits that despite petitioner-Institution having completed all the requisite formalities for grant of "No Objection Certificate" for 30 seats, the State Government is sitting tight over the matter and has not decided the case of the petitioner for grant of "No Objection Certificate".

4. Learned counsel for the petitioner further submits that the case of the petitioner-Institution for grant of "No Objection Certificate" for 30 seats has not been decided. He, therefore, prays that the respondents may be directed to decide the pending case of the petitioner-Institution for grant of "No Objection Certificate" expeditiously.

5. Per contra, Mr. Rajpurohit, learned AAG for the respondent-State submits that the process for grant of "No Objection Certificate" is taken up with the competent authorities and will be shortly completed. Learned counsel for the State assures this Court that the competent authorities of the respondents will be sensitized for taking early decision in the matter.

6. I have considered the submissions made at the Bar and have gone through the relevant record of the case.

7. Since the petitioner-Institution is imparting education in the field of nursing courses, therefore, it is urgent need of the hour to issue a direction to the State Government to decide the case of the petitioner-Institution for grant of "No Objection Certificate", at the earliest.

8. In the considered opinion of this Court, the respondent-State is under an obligation to decide the cases of the petitioner-Institution for grant of "No Objection Certificate" for 30 seats expeditiously, so that the petitioner-Institution may not suffer and may not hang in uncertainty.

9. In these circumstances, the present writ petition is disposed of with a direction to the respondents to decide the case of the petitioner-Institution for grant of "No Objection Certificate" for 30 seats within a period of eight weeks from the date of receipt of the certified copy of this order, strictly in accordance with law.

10. It is made clear that if the State Government passes an order adverse to the interest of the petitioner-Institution, it shall record reasons for doing so after taking the entire material placed before it including the inspection reports.

(VINIT KUMAR MATHUR),J

17-Anil Singh/-