HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 18503/2024

Mld College Of Nursing Education, Kekri, Under The Management Of Shri Mishri Lal Dubey Memorial Sansthan, Kekri, District Ajmer Through Its Secretary Chandra Prakash Dubey S/o M L Dubey, Aged About 64 Year Resident Of Plot No. 125, Ward No. 2, Master Colony, Kekri, District Ajmer.

----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 Private Nursing Council, School College Federation, Through Its Secretary-357, Laxmi Nagar, Paota B-Road, Jodhpur.
4. Private Physiotherapy, Nursing And Para Medical Institutions Society, Jodhpur, Through Its Secretary, Plot No. 273, Subhash Nagar, Pal Road, Jodhpur, Rajasthan.
5. Rajasthan University of Health Sciences, Kumbha Marg, Tonk Road, Jaipur, through its Registrar.

----Respondents

For Petitioner(s)	:	Mr. B.S. Sandhu with Mr. Dishant Kiroriwal.
For Respondent(s)	:	Mr. N.S. Rajpurohit, AAG assisted by Ms. Ruchi Parihar Mr. Mahaveer Bishnoi, AAG Mr. Mahendra Bishnoi Ms. Akshiti Singhvi Mr. Sangarm Singh Mr. Vinay Kothari Mr. Ayush Goyal Mr. Abhinav Jain.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

13/02/2025

I.A. No.01/2024:-

1. The case comes up on an application preferred on behalf of the applicant for impleading it as party respondent in instant the writ petition.

2. The application for impleadment of RUHS as party respondent is not opposed by learned counsel for the respondents.

3. For the reasons mentioned in the application, the same is allowed. The Rajasthan University of Health Sciences, Kumbha Marg, Tonk Road, Jaipur, through its Registrar is impleaded as party respondent No.5 in the instant writ petition.

4. Amended cause-title already filed is taken on record.

5. Office is directed to place the same appropriately.

S.B. Civil Writ Petition No. 18503/2024:-

1. Heard learned counsel for the parties on the writ petition.

2. Learned counsel for the petitioner-Institution submits that the petitioner-Institution is imparting education in Diploma/Degree/Master courses of Nursing education. He further submits that the present Institution has applied for requisite permission from the State Government and 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, therefore, the present writ petition has been filed.

4. 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 has 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", the State Government is sitting tight over the matter and has not decided the case of the petitioner for grant of "No Objection Certificate".

5. Learned counsel for the petitioner further submits that since case of the petitioner-Institution for grant of "No Objection Certificate" has not been decided, this Court time to time has passed interim orders for increasing number of seats as well as allowing the Institutions to participate in the ongoing counseling process for admitting the students in the nursing education. 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.

6. 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.

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

8. Since the petitioner-Institution is imparting education in the field of nursing courses and students are having been admitted in the nursing courses in pursuance of the interim order passed by this Court, 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.

9. In the considered opinion of this Court, the respondent-State is under an obligation to decide the case of the petitioner-Institution for grant of "No Objection Certificate" expeditiously, so that the students, who are studying in the petitioner-Institution may not suffer and their future may not hang in uncertainty.

10. 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" within a period of eight weeks from the date of receipt of the certified copy of this order, strictly in accordance with law.

11. The interim order passed by this Court shall continue till the cases of the petitioner-Institution for grant of "No Objection Certificate" are decided. It is further ordered that if the "No Objection Certificate" is granted to the petitioner-Institution, then all the benefits accruing therefrom shall be made available to the petitioner-Institution in accordance with law.

12. 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.

13. It is also directed that till the State Government decides the cases of the petitioner-Institution for grant of "No Objection Certificate", the benefits (enrollment, appearing in examination and declaration of results) accruing to the students in pursuance of the interim order passed by this court shall be continued.

14. It is further ordered that the students admitted by the present Institution under the garb of the interim order shall remain subject to the outcome of the decision on the "No Objection Certificate" to be granted by the State Government. If the State does not grant the "No Objection Certificate" to the Institution, the Institution will be responsible for admitting the students in the Institution and the outcome of such decision.

15. The present order will be applicable to the students who have been admitted as per the guidelines issued by the State Government/Nursing Council/Rajasthan University of Health Sciences for counseling.

16. The affiliation/recognition of the Universities/Colleges will be governed by the norms and guidelines of the RUHS, RNC and INC and further the competent authorities of these departments will be under an obligation to consider the delay in grant of NOC to such Institution while considering its case.

(VINIT KUMAR MATHUR),J

418-Shahenshah/-