HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR.

S.B. Civil Writ Petition No. 19125/2023

Choudhary Kana Ram Dhaka Memorial Nursing College, Vpo Dhingal, Jaipur Highway, Jhunjhunu, (Rajasthan), Through Its Representative, Shri Faruk Sayed S/o Shri Sadik Sayed, Aged About 37 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, Through Its Secretary, Plot No. 273, Subhash Nagar, Pal Road, Jodhpur, Rajasthan.

----Respondents

Connected With

S.B. Civil Writ Petition No. 19126/2023

Mahatma Gandhi B. Sc. Nursing College, Nh-11, Pura Ki Dhani, Post - Sabalpura, Sikar, Rajasthan, Through Its Director Shri Dalu Ram S/o Shri Hadu Ram Aged About 55 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, Pratap 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 Mr. Vinay Kothari. Mr. Ayush Goyal.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

03/02/2025

Learned counsel for the parties are in agreement that the present writ petitions are squarely covered by a judgment rendered by Division Bench of this Court in a batch of Special Appeals led by **D.B.Special Appeal (Writ) No.564/2023 (Shri Balaji Education Society V/s State & Ors.)** decided on 21.11.2024 in the following terms:-

> "1. At the outset learned counsel for the appellants would submit that writ petitions filed were dismissed, taking into consideration that the order passed on 04.11.2022 in the case of **Mahatma Gandhi B.Sc. Nursing College Vs. State of Rajasthan (S.B.Civil Writ Petition No.3962/2022)** and batch of petitions was assailed by filing of writ appeal and interim order was passed. He would further submit that the appeal filed by the State has been dismissed affirming the order passed by the learned Single Judge in batch of appeals including **Mahatma Gandhi B.Sc. Nursing College (supra)** decided on 01.03.2024. Therefore, it has now been authoritatively held that requirement of having 100 bedded own hospital is no longer applicable for grant of No Objection Certificate (NOC) for establishment of new nursing school/colleges or enhancement of the seats in existing institutions.
>
> 2. Therefore, it is prayed that at this stage this appeal may be disposed off with a direction to respondents to consider the matter of grant of NOC without insisting on the condition of having 100 bedded own hospital.
>
> 3. Learned counsel for the State would submit that the petitioners' application for grant of NOC would be considered in the light of the judgment which has been rendered by the Division Bench of this Court in the case of **State of**

> **Rajasthan Vs. Private Physiotherapy, Nursing and Paramedical Institution Society (D.B. Spl. Appl. Writ No.11/2023)** and batch of appeals including appeal in the case of Mahatma Gandhi B.Sc. Nursing College decided on 01.03.2024 and decision would be taken.
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> 4. Accordingly, at this stage, we are inclined to dispose off this appeal with a direction to the respondent State authorities to decide the application for grant of NOC in the light of the judgment rendered in the case of **State of Rajasthan Vs. Private Physiotherapy, Nursing and Paramedical Institution Society (supra)** within a period of one month."

In view of the submissions made by learned counsel for the parties, the present writ petitions are disposed of in terms of the judgment dated 21.11.2024 passed by Division Bench of this Court in the case of Shri Balaji Education Society (supra).

(VINIT KUMAR MATHUR),J

16 & 18 -Anil Singh/-