



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 19116/2023

Shri Khushal Das University, Suratgarh Road, Near Toll Plaza, Hanumangarh Jn., Hanumangarh, through its Chairperson - Dinesh Kumar Juneja, S/o Vakil Chand, Age - 40 Years, Resident Of 7 Stg, Suratgarh, Skd Campus, Near Toll Plaza, 32 Ssw, Hanumangarh, Rajasthan.

----Petitioner

Versus

The State Of Rajasthan, Through Its Joint Secretary, Department Of Higher Education, Group - 4, Government Of Rajasthan, Secretariat, Jaipur.

The State Of Rajasthan, Through Its Secretary, Medical And Health Department Government Of Rajasthan, Secretariat, Jaipur.

The Rajasthan Nursing Council, Jaipur, Through Its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur.

Rajasthan Private Nursing Schools And College Federation, Through Its Secretary - 357, Laxmi Nagar, Paota B Road, Jodhpur.

----Respondents

Connected With

S.B. Civil Writ Petition No. 1624/2023

Shri Khushal Das University

----Petitioner

Versus

The State Of Rajasthan & Ors

----Respondents

S.B. Civil Writ Petition No. 16548/2023

Janardan Rai Nagar Rajasthan Vidhyapeeth University, Pratap Nagar, Airport Road, Udaipur, Rajasthan, Through Its Registrar - Tarun Shrimali S/o Shyam Lal Shrimali, Age 53 Years, R/o 3, Ganpati Nagar A, Bohra Ganeshji, Girwa, Udaipur.

----Petitioner

Versus

State Of Rajasthan, Through Its Secretary, Medical And Health Department Government Of Rajasthan, Secretariat, Jaipur.





The Rajasthan Nursing Council, Jaipur Through Its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur.

Private Physiotherapy, Nursing And Para Medical Institutions Society, Branch Office Jodhpur, Through Its Secretary, Plot No. 273, Subhash Nagar, Pal Road, Jodhpur, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 16969/2023

Janardan Rai Nagar Rajasthan Vidhyapeeth University, Pratap Nagar, Airport Road, Udaipur, Rajasthan, Through Its Registrar - Tarun Shrimali S/o Shyam Lal Shrimali, Age-53 Years, Resident Of -3, Ganpati Nagar A, Bohra Ganeshji, Girwa, Udaipur.

-----Petitioner

Versus

The State Of Rajasthan, Through Its Secretary, Medical And Health Department Government Of Rajasthan, Secretariat, Jaipur.

The Rajasthan Nursing Council, Jaipur Through Its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur.

Private Physiotherapy, Nursing And Para Medical Institutions Society, Branch Office Jodhpur, Through Its Secretary, Plot No. 273, Subhash Nagar, Pal Road, Jodhpur, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 19117/2023

Shri Khushal Das University, Suratgarh Road, Near Toll Plaza, Hanumangarh Jn., Hanumangarh, Through Its Chairperson Dinesh Kumar Juneja S/o Vakil Chand, Age 40 Years, Resident Of 7 Stg, Suratgarh, Skd Campus, Near Toll Plaza, 32 Ssw, Hanumangarh, Rajasthan.

-----Petitioner

Versus

The State Of Rajasthan, Through Its Joint Secretary, Department Of Higher Education, Group 4, Government Of Rajasthan, Secretariat, Jaipur.

The State Of Rajasthan, Through Its Secretary, Medical And Health Department Government Of Rajasthan, Secretariat, Jaipur.

The Rajasthan Nursing Council, Jaipur, Through Its Registrar, B-



39, Sardar Patel Marg, C-Scheme, Jaipur.

Rajasthan Private Nursing Schools And College Federation,
Through Its Secretary 357, Laxmi Nagar, Paota B Road, Jodhpur,
Rajasthan.

----Respondents

For Petitioner(s) : Mr. Shreyansh Mardia
Ms. Nilansha Singhvi
For Respondent(s) : Ms. Vandana Bhansali, AGC with
Ms. Kkhushi Makwana
Mr. Sangram Singh
Present in person : Ms. Subhra Singh, ACS Medical &
Health, through VC

HON'BLE DR. JUSTICE NUPUR BHATI

Order

15/03/2024

(Civil Writ Petition No.19116/2023 & 16969/2023)

The Additional Chief Secretary, Medical & Health Department is present in person through video conferencing in compliance of the order dated 28.02.2024 passed by this Court.

The Additional Chief Secretary, Medical & Health Department submits that communication has been made to her, wherein it is stated that a meeting of the State Level Scrutiny Committee was held on 01.03.2023 in which 16 cases were placed for grant of NOC and out of which, 10 institutes were granted NOC. The Secretary also submits that in order to keep transparency and fairness a new policy is required to be brought in force for which a High Level Committee is required to be constituted who shall take the decision for granting NOC to the respective colleges and till such time decision has been taken to put the consideration of grant of NOC on hold.



Learned counsel for the respondents -State is directed to place the said communication on record.

Learned counsel for the petitioners submits that on account of such decision taken by the respondents while putting the NOC on hold, the petitioner University shall suffer an irreparable loss as no time line has been disclosed by the respondents for constituting the High Power Committee as well as for issuing a new policy.

Thus, in view of the submissions made, considering the fact that there is no time line issued by the respondents for constituting a High Power Committee which shall look into the matter for grant of NOC to the respective Colleges, respondent-State is directed to allow the petitioners to participate in the counseling if any conducted for admission of students in GNM Course. The respondents would be at liberty to file application for vacation of the interim order.

The participation of the petitioners in the counseling shall remain subject to outcome of the writ petitions and equity, right to create in favour of the students.

The presence of Secretary/Additional Chief Secretary, Medical & Health Department is not required further.

List these matters on 22.04.2024.

(Civil Writ Petition No. 16548/2023 & 19117/2023)

The Additional Chief Secretary, Medical & Health Department is present in person through video conferencing in compliance of the order dated 28.02.2024 passed by this Court.



The Additional Chief Secretary, Medical & Health Department submits that communication has been made to her, wherein it is stated that a meeting of the State Level Scrutiny Committee was held on 01.03.2023 in which 16 cases were placed for grant of NOC and out of which, 10 institutes were granted NOC. The Secretary also submits that in order to keep transparency and fairness a new policy is required to be brought in force for which a High Level Committee is required to be constituted who shall take the decision for granting NOC to the respective colleges and till such time decision has been taken to put the consideration of grant of NOC on hold.

Learned counsel for the respondents -State is directed to place the said communication on record.

Learned counsel for the petitioners submits that on account of such decision taken by the respondents while putting the NOC on hold, the petitioner University shall suffer an irreparable loss as no time line has been disclosed by the respondents for constituting the High Power Committee as well as for issuing a new policy.

Thus, in view of the submissions made, considering the fact that there is no time line issued by the respondents for constituting a High Power Committee which shall look into the matter for grant of NOC to the respective Colleges, petitioner-University(s) shall be permitted to admit the students for B.Sc Nursing Course (academic year 2023-24). The respondents would be at liberty to file application for vacation of the interim order.



[CW-19116/2023]

This permission for admitting the students shall remain subject to outcome of the writ petitions and equity, right to create in favour of the students.

The presence of Secretary/Additional Chief Secretary, Medical & Health Department is not required further.

List these matters on 22.04.2024.

(Civil Writ Petition No. 1624/2023)

List the matter on 22.04.2024.

Interim order, if any, shall remain continue till the next date.

(DR. NUPUR BHATI),J

266 to 270-Dharmendra Rakhecha/-