
(1993) 09 RAJ CK 0038

In the Rajasthan High Court

Case No : Civil Special Appeal No. 600 of 1993

Ashok Kumar and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 28-09-1993

Acts Referred:

Rajasthan High Court Ordinance, 1949 — Section 18

Citation : (1993) WLN 209

Hon'ble Judges : R.S. Kejriwal, J;N.K. Jain, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

N.K. Jain, J.—This special appeal u/s 18 of the Rajasthan High Court Ordinance, 1949 has been directed against the order of learned Single Judge dt. 8.9.93 whereby he has dismissed the writ petition filed by the petitioner Ashok Kumar & 30 others.

2. The facts which are necessary to be noticed for the disposal of this special appeal as alleged by the appellants in brief are that they joined Nursing Course in the Government Chopra Senior Higher Secondary School, Gangasahar, Bikaner in the years 1989 and studied there for some time. After lapse of some time, the Nursing Course was cancelled by the State Government and in lieu of that course students were given admission in the Medical Laboratory Technicians Course. It is alleged that as no proper facilities were available at Chopra Senior Higher Secondary School, 65 students were given admission in the Medical College but after some time this facility was withdrawn by the Director, Medical and Health Department. Those 65 students approached this Court and the operation of the withdrawal and cancellation order was stayed and they were allowed to continue in the course and they completed the course. It is alleged that 16 other students were also allowed to continue in the course provisionally in pursuance of the order of this Court passed in C.W. Pet. No. 6000/92 Prakesh and Ors. v. State on 12.1.93 and it was ordered that the petitioners may be provisionally admitted in

the Laboratory Technician Course provided they have studied in the Govt. Chopra Higher Secondary School alongwith 65 students and fulfill all necessary requirements of admission and if they stood above in the merit. The petitioners who are 31 in number, filed a joint writ petition claiming admission in the Medical Laboratory Technicians Course but the same was dismissed, vide order dt. 8.9.93. Hence this special appeal.

3. Mr. K.N. Joshi, learned Counsel for the appellants has submitted that the learned Single Judge has erred in not granting admission to the petitioners who are also similarly situated to the other persons who have already been granted admission for training in the Medical Laboratory Technicians Course and completed the course. He has relied on Dilip Kumar v. University of Jodhpur, 1984 R.L.R. Page 1012.

4. We have heard learned Counsel for the appellants and perused the material on record and case law.

5. The sheet-another of the contention of the appellants is that they are entitled for admission in the Medical Collage because 65 students who are similarly situated were granted admission by this Court. Undisputedly as alleged by the petitioners 65 students were given admission provisionally by the order of this Court, as on cancellation of the Nursing Course, those 65 students were earlier given admission in the Medical Laboratory Technicians Course and in the absence of facilities they approached for imparing them training of the Medical Laboratory Technicians Course in the Medical College which was granted but later on the same was withdrawn and under those circumstances this Court granted admission to them provisionally. On the other hand the present petitioners joined the course in the year 1989 in Chopra Senior Hr. Secondary School. Thereafter, on cancellation of Nursing Course they left the School in the year 1990 and neither they joined the course again nor they were allowed to take training in the Medical College as was done in the case of 65 students. Therefore, these students cannot take advantage out of the admission given to those 65 students by this Court. Moreso, those 65 students have already completed their course. Likewise the sixteen students who were granted provisional-admission by this Court approached when the session was going on but the present appellant petitioners approached this Court after completion of session. Therefore, merely that on earlier occasion in the year 1989 the present appellant petitioners were given admission in the Nursing Course, they are not entitled for any relief particularly when two to three years have already been passed. In view of this, the appellants cannot take any advantage out of the case law cited by them. Under these circumstances, the learned Single Judge has rightly come to the conclusion that the appellants cannot be allowed admission in the training course.now, we do not find any error or illegality in the impugned order passed by the learned Single Judge, so as to call for any interference.

6. Consequently, this special appeal fails and it is hereby dismissed.