

(2018) 08 RAJ CK 0215

In the Rajasthan High Court

Case No : Civil Misc. Stay Application No.13856 of 2018

**Bhartiya Shikshan and Vikas Samiti Dholakheda @APPELLANT@Hash
State of Rajasthan & Ors**

Date of Decision : 10-08-2018

Acts Referred:

Citation : (2018) 08 RAJ CK 0215

Hon'ble Judges : Inderjeet Singh, J

Bench : Single Bench

Advocate : R.P. Singh, Arun Singh Shekhawat, S.K. Gupta

Final Decision : Dismissed

Judgement

Sh. S.K. Gupta Additional Advocate General, appearing for the respondent-State submits that has filed additional affidavit in in the office today.

Office is directed to the place the same on record.

Learned Senior Counsel appearing for the petitioner submitted that looking to the urgency in the matter, the stay application itself be heard today.

Heard learned counsel for the parties.

The prayer made by the petitioner-Society in the writ petition as well as in the stay application reads thus :-

â??Writ Petition :-

(i) by way of writ, order or directions the State may kindly be directed to grant affiliation for the new course â??Diploma in Pharmacyâ? in favour of

the petitioner society for the 2018-19 forthwith in view of the AICTE permission and NOC by PCI;

(ii) by way of writ, order or direction the RUHS may kindly be directed to grant the affiliation to the petitioner society for the year 2018-19;

(iii) by way of writ, order or direction the respondent no.3 may kindly be directed

to allot the students to the petitioner's institution in the year

2018-19 and in the event of the respondent no.3 failing suo officio, the petitioner society may kindly be permitted to admit the eligible students on vacant seats as per Annexure-8.

Â (iv) any other writ, order or directions to which the petitioner may be entitled to in the circumstances of the case may be issued in his favour;

(v) cost of the writ petition may be awarded in favour of the petitioner.Â??

Â??Stay Application :-

It is, therefore, prayed that your Lordships may very graciously be pleased to accept this stay application and may be further pleased to direct the respondent no.3 to include the name of college of petitioner society in the counseling for admission of the students during the pendency of the writ petition.

Any other relief, which the Hon'ble Court may deem fit in favour of the petitioner may also be given to the petitioner.Â??

Learned Senior Counsel appearing for the petitioner-Society submitted that All India Council for Technical Education (AICTE) has granted approval

in favour of the petitioner-institution on 30-4-2018 and despite grant of approval by Pharmacy Council of India (PCI) on 31-5-2018, the State

Government has not issued the NOC in favour of the petitioner-institution.

Learned Senior Counsel further submitted that the respondents may be directed to include name of the petitionersociety in the counselling for admission of the students during pendency of the writ petition.

Learned Senior Counsel further submitted that the LOI has been issued in favour of the petitioner society by the State Government for the session -

2018-19 on 30-1-2018.

Learned Senior Counsel further submits that the Global College of Pharmacy has been included in the seat matrix by the Rajasthan University of Health Sciences.

Counsel for the respondent submits that the State Government has issued NOC in favour of the petitioner society to run the pharmacy course on 8-8-

2018 for the session 2019-20.

Counsel further submits that earlier the NOC was not issued in favour of the petitioner society as the petitioner society applied for running of two

colleges on the same very land. Counsel further submits that the Honâ??ble Supreme Court in the matter of Parshvanath Charitable Trust & Ors.

Vs. All India Council for Technical Education & Ors, reported in 2013(3) SCC 385, has provided the schedule in para-40 & 41 of the judgment for

running of new college/course, according to which the last date for granting or refusing approval by the University or by the State Government is 15th

May to run pharmacy course for the session 2018-19.

Counsel further submits that the NOC issued by the State Government in favour of the Global College of Pharmacy is for the session 2019-20.

I have considered the submissions made by the learned counsel for the parties and also perused the material on record.

The arguments raised by the learned senior counsel for the petitioner deserves to be rejected for the reasons; firstly the NOC has been issued by the

State Government in favour of the petitioner society vide order dated 8-8-2018 for the session 201920 and according to the schedule fixed by the

Honâ??ble Supreme Court in the matter of Parshvanath Charitable Trust (supra), the last date for granting or refusing the NOC by the State as well

as by the University has been fixed as 15th May for the session 201819; secondly in view of the order passed by the Honâ??ble Supreme Court in

the matter of Dental Council of India Vs. Dr. Hedgewar Smruti Rugna Seva Mandal, Hingoli & Ors., reported in 2017(13) SCC 115, granting interim

order at this stage amounts to granting final relief; and thirdly the PCI has granted NOC on 31-5-2018, however, the petitioner has filed the present

writ petition after a delay of two months i.e. 4-8-2018.

In that view of the matter the stay application filed by the petitioner institution stands dismissed.