
(2020) 01 RAJ CK 0367
In the Rajasthan High Court
Case No : Civil Writ Petition No. 279 Of 2020

Jhalawar Nursing College	Vs	APPELLANT
State Of Rajasthan & Others		RESPONDENT

Date of Decision : 09-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0367

Hon'ble Judges : Ashok Kumar Gaur, J

Bench : Single Bench

Advocate : Jai Raj Tantia, Ravi Chirania, Harsh Sahu

Judgement

This Court had directed learned counsel for the petitioner on 7.1.2020 to serve copy of the writ petition on the Government Counsel and on counsel for the respondent-RUHS.

Learned counsel Mr.Ravi Chirania, is appearing for respondent-RUHS and Mr.Harsh Sahu, Addl.GC for respondent- State.

Learned counsel for the petitioner submitted that prayer for interim relief may be considered by this Court as University intends to conduct third round of counselling for making admissions in Post Basic B.Sc. Nursing Course.

Learned counsel for the petitioner submitted that the petitioner-College had made application to the State Government for grant of NOC to run Post

Basic B.Sc. Nursing Course and by order dated 30.11.2017, the NOC was granted by the State Government for the Academic Session 2018.

Learned counsel submitted that since number of seats were not mentioned in the order dated 30.11.2017, the petitioner- Institution requested the Government to grant NOC for 60 seats.

Learned counsel submitted that immediately after issuance of order dated

30.11.2017, the petitioner submitted an application before the Registrar of RUHS, Jaipur for issuing provisional consent letter for starting Post Basic B.Sc. Nursing Course for Academic Year 2018-19 and also deposited affiliation fee of Rs.5,79,500/- on 14.12.2017.

Learned counsel submitted that the petitioner- Institution also approached the Rajasthan Nursing Council (hereafter 'RNC') to conduct the inspection of the petitioner- Institution and in pursuance of order dated 30.10.2019 issued by the RNC, Jaipur, a team of 3 members was constituted to see infrastructure/equipment and faculty of the petitioner-Institution.

Learned counsel submitted that after report being submitted by the said committee, the Government issued NOC dated 11.12.2019 for making admissions of 60 seats in Post Basic B.Sc. Nursing Course.

Learned counsel submitted that the petitioner approached the University for issuing affiliation for the purpose of making admission by way of

counselling, however, no heed was paid in spite of service of notice for demand of justice and as such request is made to permit the petitioner-

Institution to participate in the third round of counselling for making admissions.

Per contra, Mr.Ravi Chirania learned counsel for the respondent-University has filed short reply on behalf of respondent-University and he has

opposed the prayer for interim relief as sought by learned counsel for the petitioner.

Learned counsel submitted that the last date for submitting the application for affiliation for the Academic Year 2019-2020 was 31.5.2019 and as such

now the petitioner- Institution cannot be allowed to participate in the counselling as affiliation process for Academic Session 2019-2020 is over.

Learned counsel submitted that the petitioner- Institution had only paid affiliation fee way-back in 2017 and if petitioner Institution wanted to seek

affiliation, they are supposed to make application for each Academic Session as and when the process starts for counselling.

Learned counsel further submitted that the petitioner- Institution has been granted NOC by the State Government on 11.12.2019 and since two rounds

of counselling are already over, the petitioner-Institution may not be permitted to participate in the third round of counselling.

Learned counsel further submitted that it is yet not decided as whether third round of counselling will be conducted for making admission against left

over seats or not.

Learned counsel submitted that the petitioner- Institution in absence of proper NOC, could not have been considered for affiliation for the Academic

Sessions 2017-18, 2018-19 and 2019-2020.

I have heard the learned counsel for the parties and perused the material available on record.

This Court prima facie finds that the process for grant of NOC was initiated way-back in 2017 and accordingly the State Government had passed an

order on 30.11.2017 by granting NOC to the petitioner-Institution for starting the Post Basic B.Sc. Nursing Course for the Academic Year 2018,

however, the number of seats were not identified initially and as such after carrying out inspection by RNC, the Government has issued NOC dated

11.12.2019.

This Court also finds that as far as NOC and inspection by RNC are concerned, the same have been done and it is only the affiliation part which is

required to be done by the University.

This Court finds that the University if now intends to hold third round of counselling, the petitioner has in its favour the NOC as well as the approval

from the RNC and they should not be deprived to participate in the counselling process only on account of affiliation still not being granted by the

University.

There is no doubt that affiliation of Institution is very important for the purpose of imparting education, however, facts of the present case show that

the matter is hanging fire for the grant of NOC and inspection since last two and three years and now finally the order has been issued by the State

Government on 11.12.2019.

There is no dispute on the issue of having requisite infrastructure and faculty being appointed by the Institution which intends to impart training to the

students, however, the University is within its domain to conduct the necessary exercise of verifying the fact of infrastructure and faculty as per its

norms. The said exercise can be carried out by the University within reasonable time.

This Court, as an interim measure, permits the petitioner-Institution to participate in the third round of counselling, if same is decided to be conducted

by the Rajasthan University for Health and Sciences.

The participation of petitioner-Institution in the counselling will be subject to fulfillment of conditions by the University for such Institution which

imparts training in Post Basic B.Sc. Nursing Course. The University is within its domain to carry out the necessary exercise after application is

submitted by the petitioner alongwith requisite fee, if any.

The participation of the petitioner-Institution in the counselling will not confer any right in its favour and the same shall be subject to confirming the

requirement of affiliation as prescribed by the University. The students who are eventually admitted will also be informed by the petitioner-Institution

specifically by making note in their admissions that the admission given by the Institution, is subject to outcome of the writ petition.

Accordingly, the respondent-University is directed to permit the petitioner-Institution to participate in the third round of counselling, if same is

conducted by them. The petitioner- Institution is also directed to approach the respondent-University by filing proper application for affiliation and to

deposit necessary fee for inspection, etc. List this case on 27.1.2020.