

(2018) 05 RAJ CK 0192
In the Rajasthan High Court
Case No : Spl. Appl. Writ No. 671 of 2018

Rajasthan Nursing Council @APPELLANT@Hash Singhania University

Date of Decision : 25-05-2018

Acts Referred:

University Grants Commission Act, 1956 — Section 2F, 3Rajasthan High Court Rules, 1952 — Rule 134
Constitution of India, 1950 — Article 225

Citation : (2018) 05 RAJ CK 0192

Hon'ble Judges : GOPAL KRISHAN VYAS, J; RAMCHANDRA SINGH JHALA, J

Bench : Division Bench

Advocate : Hemant Jain, MA siddiqui, Vikas Balia

Final Decision : Dismissed

Judgement

Gopal Krishan Vyas

The instant special appeal has been filed by the Rajasthan Nursing Council, Jaipur through its Registrar under Rule 134 of the Rajasthan High

Court Rules read with Article 225 of the Constitution of India against the order dated 1.2.2018 passed by the learned Single Judge in SBCWP

No.8149/2015 by which the learned Single Judge allowed the writ petition and issued directions to the respondent no.2 to consider the request of the

petitioners expeditiously preferably within a period of two months from the date of production of certified copy of the order and if the petitioners

otherwise eligible, necessary registration may be granted to them.

As per the facts of the case, the petitioners-respondents acquired qualification of ANM/GNM Course from respondent Singhania University and

in the writ petition it was stated that the

Singhania University is established under Section 2F of the University Grants Commission Act, 1956 and as such the same is institution established

under the statute, therefore, the degree/diploma granted by the said University does not require any further recognition. It was submitted that

after acquiring ANM/GNM qualification, the petitioners-respondents approached the appellant for registration and requested them to provide

registration, but the appellant Rajasthan Nursing Council (hereinafter referred to as the appellant RNC for short) refused to register them without

any reason.

In the writ petition the petitioners-respondents stated that technical division of Ministry of Education and Youth Service, Government of India has

issued circular in which it is provided that degree/diploma awarded by the institutes deemed as University under Section 3 of the UGC Act had been

automatically recognized by the Government of India for the purpose of employment and no other recognition is needed.

The respondent-appellant filed its reply to the writ petition and submits that ground taken by the petitioners-respondents is absolutely

misconceived and deserves to be rejected because appellant RNC is regulatory body for the State of Rajasthan and without any inspection the so

called degree/diploma given by the Singhanian University cannot be recognized.

The learned Single Judge allowed the writ petition vide judgment impugned dated 1.2.2018 and held that since the respondent University is

established under the statute, therefore, there is no requirement of any separate recognition from the appellant RNC, therefore, consider the request of

the petitioners expeditiously preferably within a period of two months and if the petitioner otherwise eligible necessary registration may be granted to

them.

In this appeal, the appellant RNC has challenged the validity of the judgment dated 1.2.2018.

Learned counsel for the appellant argued that there is no doubt that the Singhanian University was constituted under Section 2F of the University

Grants Commission, 1956, however, the provisions of the State Act would reveal that the appellant RNC is regulatory body for the State of Rajasthan

with regard to grant of recognition in the State, therefore, further recognition is necessary from the appellant RNC. Learned counsel for the

appellant submits that a grave error has been committed by the learned Single Judge to allow the writ petition while following the judgment of

Punjab and Haryana High Court rendered in the case of Ms. Neelam Devi & Anr. Vs. Haryana Nurses Registration Council & Ors. (Civil Writ

Petition No.4021/2009), decided on 19.2.2010 reported in 2010 158 PLR 323, so also wrongly applied the judgment in the case of Mrs. Madhu Santosh

Vs. State of Rajasthan (SBCWP NO.2502/1989), decided on 21.2.1991 because once the Legislature has enacted a special law for the State of

Rajasthan and constituted a body known as Rajasthan Nursing Council, the University may be established under the Act, but it is required

recognition by the appellant RNC.

According to the learned counsel for the appellant Singhania University has not taken any recognition from the appellant RNC nor the same was

inspected by the appellant RNC, therefore, the judgment of the learned Single Judge is not tenable in law. Lastly, it is argued by learned counsel

for the appellant that a grave error has been committed by the learned Single Judge in allowing the writ petition while following the earlier judgments,

therefore, the impugned judgment may be quashed and set aside. In support of his arguments, the learned counsel for the appellant cited judgment

of this court in the case of Gand Mal Dhaker & Ors. Vs. State of Rajasthan (DBSAW No.955/2011), decided on 17.2.2017.

Learned counsel appearing for the respondents vehemently argued that there is no strength in the arguments of learned counsel for the appellant that

the University which is established by law is required to take recognition from the appellant RNC for the purpose of ANM/GNM course because the

Singhania University is established by law, therefore, there is no question for appellant RNC to deny registration to the students who acquired

qualification of ANM/GNM from the Singhania University. Learned Single Judge while relying upon the judgment of the Hon'ble Supreme Court in

the case of Dr. B.L. Asawa Vs. State of Rajasthan & Ors reported in AIR 1982 SC 933 held that degree or diploma granted by the Singhania

University, established by law or under the law is not required to get recognition by other authority. The same view was taken in the case

of Mrs. Madhu Santosh Vs. State of Rajasthan (SBCWP NO.2502/1989), decided on 21.2.1991 and in case of Ms. Neelam Devi & Anr. Vs.

Haryana Nurses Registration Council & Ors. (Civil Writ Petition No.4021/2009), decided on 19.2.2010 reported in 2010 158 PLR 323, therefore, once

the adjudication has already been made by this court and Punjab High Court, then there is no question for denial of registration to the students

who acquired ANM/GNMA Course from Singhania University, which is established under the Act.

After hearing learned counsel for the parties, first of all it is required to be observed that in the grounds of the writ petition no other ground has been

taken by the appellant except the ground which is incorporated and mentioned above. The only argument and ground taken in the appeal is that

registration is required from appellant RNC by the Singhania University, which is established by law.

We have considered the rival submissions and come to the conclusion that once the controversy has already been adjudicated by the Hon'ble Apex

Court in the case of Dr. B.L. Asawa Vs. State of Rajasthan & Ors reported in AIR 1982 SC 933 and in case of Mrs. Madhu Santosh Vs. State of

Rajasthan (SBCWP NO.2502/1989), decided on 21.2.1991 while relying upon the aforesaid judgment then there is no question to hold that any error

has been committed by the learned Single Judge in directing the appellant RNC so as to deny the registration on the pretext that recognition is

necessary from the appellant Rajasthan Nursing Council.

We are of the firmed opinion that if any University is established by law and imparting the course in the form of diploma and degree or qualification,

that cannot be questioned by the appellant RNC for the purpose of registration.

We have considered the judgment cited by the learned counsel for the appellant in the case of Gand Mal Dhaker & Ors. Vs. State of Rajasthan

(DBSAW No.955/2011), decided on 17.2.2017 in which question of appointment and qualification was involved and hear the controversy is only

with regard to registration, therefore, the judgment rendered in aforesaid case not applicable in the present case.

In our opinion no error has been committed by the learned Single Judge so as to allow the writ petition filed by the respondents while following the

adjudication made by the Hon'ble Apex Court , in the case of Dr. B.L. Asawa (Supra) which is subsequently followed by this court in the case of

Mrs. Madhu Santosh (supra).

Consequently, the instant special appeal is hereby dismissed.