

(2024) 01 RAJ CK 0077

In the Rajasthan High Court

Case No : Civil Writ Petition No. 17371 Of 2023

Shree Balaji Education Society

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 16-01-2024

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2024) 01 RAJ CK 0077

Hon'ble Judges : Dr. Nupur Bhati, J

Bench : Single Bench

Advocate : CS Kotwani, Vandana Bhansali, Santosh Choudhary, Mahendra Vishnoi

Final Decision : Disposed Of

Judgement

Dr. Nupur Bhati, J

(1) The present writ petition has been filed under Articles 226 of the Constitution of India with the following prayer:-

It is therefore, most humbly and respectfully prayed that this writ petition may kindly be allowed and:

(i). by an appropriate writ, order or direction, it may kindly be declared that the petitioner institution is entitled to take admission of students in the GNM Course for the academic session 2023-2024 onwards.

(ii). By an appropriate writ, order or direction, the respondents may kindly be directed to include the name of the petitioner's institution in the list of eligible institution for participating in the counseling process for allotment of students for the GNM Course academic session 2023-2024 and be directed to allot the students as per the intake capacity.

(iii) Any other appropriate order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may kindly be passed in

favour of the petitioner.

(iv) Cost of the writ petition may kindly be awarded to the petitioner.

2. Learned counsel for the petitioner-institution submits that the petitioner-institute has not been included for the ongoing counseling for the academic session 2023-2024 for intake of the students in the petitioner-institution despite the fact that the earlier writ petition preferred by the petitioner i.e SBCWP No. 15049/2016 came to be disposed of while setting aside the order dated 06.03.2014 while taking into consideration that no FIR was registered against the petitioner-institute.

3. Learned counsel appearing for the respondent-State fairly submits that she has received a communication today i.e. 16.01.2024 passed by the Joint Secretary, Department of Health, Jaipur, in which, it has been stated that the ban which was imposed upon the petitioner-institute vide order dated 06.03.2014 restraining them from taking admission for the academic session 2014-2015 till further orders, has now been lifted with immediate effect.

4. In view of the aforementioned fact that ban imposed upon the petitioner-institution has been lifted by the respondent-State with immediate effect vide communication dated 16.01.2024, the respondents are directed to include the petitioner-institution in the ongoing counseling which is going on for GNM Course for the academic session 2023-2024 for annual intake of the students.

5. With the aforesaid direction, the writ petition is disposed of. Stay petition as well as all pending applications, if any, stand disposed of.

6. Communication dated 16.01.2024 is taken on record.