

**(2019) 08 RAJ CK 0200**

**In the Rajasthan High Court**

**Case No : Civil Writ Petition No. 12670 Of 2019**

Subhash Yadav

APPELLANT

Vs

Dr. Sarvpalli Radhakrishnan Raj. Aayurved University,  
Jodhpur And Ors

RESPONDENT

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**Date of Decision : 27-08-2019**

**Acts Referred:**

**Citation : (2019) 08 RAJ CK 0200**

**Hon'ble Judges : Dinesh Mehta, J**

**Bench : Single Bench**

**Advocate : Ripudaman Singh, Sundeep Bhandawat**

**Final Decision : Dismissed**

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## **Judgement**

The present writ petition has been preferred for the following reliefs:

"(A) By an appropriate writ order or direction, the circular dated 24.07.2017 (Annex.3) may kindly be declared illegal and without jurisdiction and the same may also kindly be quashed and set aside.

(B) By an appropriate writ order or direction, the order dated 24.08.2019 (Annex.6), passed by the respondent No.1 may kindly be quashed and set aside.

(C) By an appropriate or direction, the rejection made by the respondent University on the account of petitioner is that the petitioner second year student in five year diploma course may kindly be declare illegal.

(D) Cost of litigation may kindly be awarded to the humble petitioner.

(F) Any other appropriate order or relief which this Hon'ble Court may deem just and proper in the facts and circumstances of this case may also kindly be passed in favour of the humble petitioner."

The petitioner filled his nomination for contesting the election of the President of Dr. Sarvpalli Radhakrishnan, Rajasthan Aayurved University, Jodhpur (respondent

No.1 herein), which has been rejected by the respondent University by order dated 24.08.2019.

The petitioner is a student of Second Year in Five Year Course and, as such, has been held ineligible to contest the election in view of the circular dated 24.07.2017.

The present writ petition was filed on 26.08.2019, and was got listed on the same day, however due to time constraint, it could not be taken up and at petitioner's request it was ordered to be listed on 27.08.2019 i.e. today.

Learned counsel for the petitioner mentioned the matter and requested that since election is under way, this case be heard on priority basis. His request was acceded to and the matter was taken into consideration, while giving priority to this petition.

Upon perusal of the material available on record, this Court finds that the petitioner's candidature has been rejected in light of the circular dated 24.07.2017. At the time of filling the nomination form, the petitioner was well aware of the disqualification he had, in light of the circular dated 24.07.2017. The petitioner's contention that in identical matter this Court has granted interim order(s) and decided the writ petition filed by one Kanta Gwala, is of little avail to him.

Needless to observe that all those petitioners, had approached the Court well within time i.e. prior to decision on their candidature by the concerned University. The Court has protected their interest by way of granting interim order(s) as their nomination(s) were not rejected.

Learned counsel for the petitioner, explaining the reasons for not approaching the Court in time, submitted that the petitioner preferred a representation dated 22.08.2019 to the respondent University, relying upon the judgment of this Court rendered in Kanta Gwala.

This Court is constrained to record that neither the particulars of the case were given in the representation made to the University nor learned counsel for the petitioner is having a copy of such judgment for perusal of the Court.

Mr. Sundeep Bhandawat, learned counsel appearing for the respondent University, at the outset, informed that the election is under way and the polling has started at 8:00 am today itself.

Instant writ petition has been filed at the eleventh hour and now when the polling has commenced, granting any indulgence to the petitioner would create unwarranted complications and administrative challenge to the University.

Considering the overall facts as noticed above, this Court does not find any reason to interfere in the matter.

The writ petition is, therefore, dismissed.

Stay Petition No. 12703/2019 also stands dismissed.