



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**



S.B. Civil Writ Petition No. 9923/2022

1. Kapil Kumar Labana S/o Shri Jawahar Lal Labana, Aged About 21 Years, R/o Ward No. 23, Vijayganj Colony, Dungarpur, Rajasthan.
2. Jaiveer Singh Chundawat S/o Anop Singh Chundawat, Aged About 22 Years, Resident Of New Basti, Kukamgadanathji, The. Aspur, Dungarpur, Rajasthan.
3. Ankita Kanwar D/o Brijraj Singh, Aged About 23 Years, Resident Of Udaipur Road, Bhandari Mohalla, Mangalwar, Dist. Chittorgarh, Rajasthan.
4. Gayatri Patel D/o Kalu Ram Patel, Aged About 24 Years, Resident Of Village Baydi, Udaipur, Rajasthan.
5. Anita Kumari Kalbeliya D/o Lal Chandra Kalbeliya, Aged About 24 Years, Resident Of Byavar, Village Dhirjika Kheda, Bhadesar, Chittorgarh, Rajasthan.
6. Sakshi James D/o Shri Jeevan James, Aged About 25 Years, Resident Of 115 Mission Compound, Near Swarup Sagar, Teh Girwa, Udaipur, Rajasthan.
7. Harendra Vairagi S/o Shashikant Vairagi, Aged About 22 Years, Resident Of Kalian Mohalla, Rishabhdeo, Udaipur, Rajasthan.
8. Sahil Nalwaya D/o Babulal Nalwaya, Aged About 23 Years, Resident Of Sevabasti, Rishabhdeo, Udaipur, Rajasthan.
9. Kamil Khan S/o Farid Khan, Aged About 24 Years, Resident Of Street No. 11, Sitavali Bagichi, Haudbari, Dholpur, Rajasthan.
10. Dashrath Singh S/o Shri Ram Singh Singh, Aged About 22 Years, Resident Of Rajputo Ka Vas, Heengola, Pawa, Sumerpur, Pali, Rajasthan.
11. Rajendra Saran S/o Shri Chutararam, Aged About 24 Years, Resident Of Ramnagar, Barmer, Rajasthan.
12. Meena Salvi D/o Shri Karma Ram, Aged About 23 Years, Resident Of Asan, Miyala, Rajasmand Rajasthan.
13. Shobha Kumara Mandal D/o Shri Arun Kumar Mandal, Aged About 23 Years, Resident Of Kalyanpur, Dhanusha, Nepal.
14. Mohit Bairagi S/o Shri Lalit Bairagi, Aged About 22 Years,





Resident Of Post Badwas Chooti, Teh Kushalgarh,  
Banswara, Rajasthan.

15. Balika Yadav D/o Nandlal Yadav, Aged About 23 Years,  
Resident Of 62 Mujahana Buzurg, Maharajganj, Uttar  
Pradesh.

----Petitioners

Versus

1. The State Of Rajasthan, Through The Principal Secretary,  
Department Of Health And Family Welfare, Government  
Of Rajasthan, Secretariat, Jaipur.
2. The Rajasthan Nursing Council, B-39, Sardar Patel Marg,  
C-Scheme, Jaipur Through Its Registrar.
3. Pacific Medical University, Bhillon Ka Bedla, Pratappura,  
District Udaipur, Rajasthan Through Its Registrar.
4. Tirupati College Of Nursing, Pacific Medical University,  
Bhillon Ka Bedla, Pratappura, District Udaipur, Rajasthan  
Through Its Principal.

----Respondents

---

For Petitioner(s)	:	Mr. Vikas Balia, Sr. Advocate assisted by Mr. Hemant Balani
For Respondent(s)	:	Ms. Ruchi Parihar for Mr. NS Rajpurohit, AAG Mr. Mahendra Bishnoi

---

**JUSTICE DINESH MEHTA**

**Order**

**01/08/2024**

1. Mr. Balia, learned Senior Counsel submitted that admittedly, all the petitioners involved in the present writ petition were admitted to B.Sc. nursing course in the Institute-respondent No.4 (Tirupati College of Nursing) in the year 2017-2018, whereas, the affiliation/recognition granted to the said institute (Tirupati College of Nursing) came to be rejected by the Rajasthan Nursing Council (hereinafter referred to as 'RNC') much later-by office order dated 13.01.2022.



2. Learned Senior Counsel submitted that so far as the petitioners' admissions are concerned, the same were given when a valid permission and affiliation in favour of the respondent-institute was in vogue. He further submitted that by the time the order dated 13.01.2022 came to be passed, all the students had completed their course.

3. While submitting that the prayer of the petitioners is only for issuing direction to RNC to provide them registration, Mr. Balia contended that the petitioners' rights of getting registration with RNC cannot be denied simply because the Institute in which they have undertaken the course has been deaffiliated on 13.01.2022.

4. Learned Senior Counsel added that so far as the requisite approval is concerned, the College-respondent Nos.3 and 4 were having requisite permission and it was only on 13.01.2022, the approval granted to respondent No.4 came to be canceled.

5. Mr. Mahendra Bishnoi appearing for RNC was not in a position to dispute the facts as narrated by Mr. Balia, learned Senior Counsel. He however, submitted that the NOC from State Government is necessary and, therefore, as the request for NOC from the State Government was not produced by the institute, the petitioners' applications for registration have not been processed.

6. Learned Senior Counsel for the petitioners was having its own argument in relation to NOC, for which he argued that since the college in which the students have undertaken B.Sc. nursing course was affiliated with respondent No.3-(a Pacific Medical University)- a University, no NOC was required.



7. He however, submitted that question as to whether the college in which the students have undertaken the course would require NOC or not, is already pending consideration before this Court.

8. Mr. Mahendra Bishnoi, appearing for RNC submitted that since the basic issue is pending as to whether NOC is required or not, the direction for registration of these petitioners cannot be issued.

9. Heard learned counsel for the parties.

10. So far as the fact that the College and University-respondent Nos.3 and 4 in which the petitioners have undertaken their B.Sc. nursing course, was having affiliation for the academic year 2017-2018 is concerned, is not in dispute.

11. It is also not in dispute that the affiliation granted to respondent No.4 has been canceled by the RNC vide order dated 13.01.2022, apparently for want of requisite NOC.

12. In the opinion of this Court, as the affiliation itself was granted by the RNC to the respondent No.4, requirement of insisting upon NOC for the period prior to 13.01.2022, would be like putting the cart before the horse.

13. All these students have undertaken their course in institute-respondent No.4, after getting admission in the year 2017-2018 and they have successfully completed their course. Depriving such students from registration and taking away their right of pursuing their career would be iniquitous and unjust.

14. The writ petition is, therefore, allowed.

15. The respondent No.2 - Rajasthan Nursing Council is directed to consider petitioners' applications for registration in accordance with law within a period of two months from today. The Rajasthan Nursing Council shall grant registration to each of the petitioners herein if, they



are otherwise eligible. They shall not insist upon furnishing of NOC, as they have got admission prior to 13.01.2022.

16. Stay application stands disposed of accordingly.

**(DINESH MEHTA),J**

430-raksha/-

