



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil Writ Petition No. 1480/2025

Saloni Institute Of Medical Sciences

----Petitioner

Versus

The State Of Rajasthan

----Respondent

For Petitioner(s) : Mr. Shreyansh Mardia
For Respondent(s) : Mr. Mahendra Bishnoi

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

25/02/2025

1. Heard learned counsel for the parties.
2. Although the present writ petition has been filed with the prayers that *(i) the respondent No.3 may be directed to conduct further rounds of counselling for B.Sc.(N) course for the academic session 2024-25, ensuring complete occupancy of vacant seats available in the institutions, including the Petitioner's institution, and/or (ii) The respondents may be directed to grant one more month to admit students by the petitioner Institutions at their own and; (iii) That the Respondent no.4 (Private Federation) may be directed to allot students to the petitioner's Institute on vacant seats; (iv) The Respondent no.3 may be directed to grant the affiliation to the petitioner for the academic session 2024-25 and ensuing sessions as per order dated 27.08.2024 (Annex.11) but learned counsel for the petitioner-Institution submits that prayers, sought for in this writ petition, cannot be granted at this stage as counselling for academic session 2024-25 has already been completed. Learned counsel submits that despite there being*



positive directions from a Coordinate Bench of this Court, the respondents are bent upon to withhold the affiliation of the petitioner-Institution for academic session 2024-25. The petitioner-Institution has not been granted affiliation till date. Learned counsel submits that because name of the petitioner Institution was not included in the provisional list before starting the first round of counselling for Bsc Nursing Course, he could not fill-in the complete number of posts available with the petitioner-Institution. Learned counsel submits that without there being any plausible reason, name of the petitioner-Institution was excluded before starting of the first round of counselling and its name was included on the last date of the first round of counselling. Learned counsel submits that on account of allowing the petitioner-Institution to participate in the counselling on the last date of first counselling, the Institution was unable to fill-in its allotted seats. Learned counsel further submits that even in the list of Institutions permitted for participating in the counselling, in front of name of the petitioner-Institution, it has been mentioned that subject to final decision of the Hon'ble High Court, the mentioning of the same was wholly irrelevant for the reason that the Hon'ble High Court had already disposed of the matter on 27.08.2024. Learned counsel further submits that on account of the inaction on the part of the respondent – RUHS, five seats remained vacant in the petitioner-Institution and the petitioner-Institution will have to bear the loss for the same. He, therefore, prays that the respondent RUHS may be directed to suitably compensate the petitioner-Institution for the loss caused to it on account of





inaction on their part and appropriate contempt proceedings may be initiated for non-compliance of the order passed by this Court.

3. Learned counsel for the respondent RUHS very fairly submits that after the decision of this Court dated 27.08.2024, the first round of counselling began in the month of October, 2024 and the name of the petitioner-Institution was not included before starting the counselling. Learned counsel submits that the name of the petitioner-Institution was included on the last day of the first round of counselling. He further submits that he cannot offer any plausible explanation for not granting the affiliation to the petitioner-Institution till date despite the order having been passed in favour of the petitioner-Institution on 27.08.2024. On a pointed query being raised by the Court to the learned counsel for the respondent, he very fairly submitted that no appeal before the Division Bench of this Court has been filed against the order dated 27.08.2024 till date.

4. I have considered the submissions made at the Bar and gone through the relevant record of the case.

5. The above narrated facts depict that the respondent RUHS is bent upon to harass the petitioner-Institution for no good reason.

6. It will be gainful to reproduce the factual details taken note of by the Coordinate Bench of this Court, while passing the order dated 27.08.2024 :-

"15. The fact that the NOC was granted by the State Government so also by the RUHS is not in dispute and the same is evident from the perusal of Annexure-1. Mayby, because of the case registered against the petitioner (by the Anti Corruption Bureau), the State Government had put a ban in the year 2014-15, but a perusal of the record clearly reveals that in a writ petition (being SBCWP No. 898/2015), filed by the petitioner, an interim order



was passed, whereafter the writ petition was allowed, as negative Final Report had been filed by the Anti Corruption Bureau.

16. It is to be noted that the petitioner had to file writ petition every year and all those writ petitions came to be allowed by the co-ordinate Bench of this Court vide its order dated 18.10.2023.

17. This Court is unable to swallow the stand of the respondent – RUHS that the approval granted by the State was provisional and in absence of any specific direction of the State or this Court, annual affiliation for the academic Session 2024-25 cannot be granted.

18. So far as State is concerned, there is no objection or concern of the State so far as petitioner-institution is concerned.

19. According to this Court, the embargo which was put by the State Government was only on account of the fact that a case was registered against the petitioner by the Anti Corruption Bureau.

20. The petitioner was constrained to file one after another writ petitions for each year and all of them have been allowed by the co-ordinate Bench of this Court on 18.10.2023.

21. As a matter of fact, after the negative Final Report having been filed by the Anti Corruption Bureau and acceptance of petitioner's writ petition being S.B. Civil Writ Petition No. 898/2015 by order dated 28.03.2017, the very existence of the order dated 28.08.2014 had come to an end or it had lost its efficacy.

22. This being the position, the respondent – RUHS could not consider petitioner's affiliation to be provisional in nature. The stand of the respondent – RUHS is clearly arbitrary and unsustainable.

23. So far as the demand of interest and GST raised by the respondent – RUHS is concerned, this Court finds it absolutely unsustainable and after thought. It is clearly an attempt to create an unnecessary hurdle. The amount of Rs. 24,39,000/- was disclosed by the none other than RUHS itself in their reply to the writ petition (S.B. Civil Writ Petition No. 15046/2021). Said amount has been deposited by the petitioner and now asking more amount in the name of interest is not justified, particularly when there is no provision of interest.

24. The plea of interest and GST components, which has been raised for the first time, is not only untenable, but also arbitrary.

25. The writ petition is, therefore, allowed.

26. The respondent – RUHS is directed to grant annual affiliation to the petitioner-institution not only for the current Session i.e. 2024-25, but also for





ensuing Sessions so far the petitioner continues to be eligible.

27. In case, petitioner has deposited any extra amount, it shall be free to file a representation before the respondent - RUHS within a period of 15 days from today, which shall be appropriately considered by the Registrar of the respondent - RUHS and amount if has been paid in excess, shall be refunded or adjusted in future fee".

7. A bare reading of the order dated 27.08.2024 reveals the inaction on the part of the respondent RUHS and less said the better, the authorities are undermining the orders passed by this Court. Since, the respondents have not issued the orders for annual affiliation of the petitioner-Institution till date for no good reason, therefore, it is a fit case where the suo-motu contempt proceedings are required to be initiated against the respondent RUHS.

8. Accordingly, the Registry is directed to register the present writ petition as a contempt petition against the respondent No.2 - Rajasthan University of Health Sciences, through its Registrar, Kumbha Marg, Sector - 18, Pratap Nagar, Tonk Road, Jaipur.

9. Issue notice to the respondent No.2 - Rajasthan University of Health Sciences, through its Registrar, Kumbha Marg, Sector - 18, Pratap Nagar, Tonk Road, Jaipur to show cause as to why contempt proceedings be not initiated against him for non-compliance of the order passed by this Court on 27.08.2024, returnable on 25.03.2025.

10. List before the bench concerned.

(VINIT KUMAR MATHUR),J

400-SanjayS/-