



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

S.B. Civil Writ Petition No. 6235/2022

Dhanwantri Institute Of Medical Science, Through Its Principal -  
Ram Kishor Saini S/o Bhawani Shankar Saini, Age 46 Years,  
Address - Sector 2/6/6 Near - K. L Saini Stadium, Kaveri Path,  
Mansarovar, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, through its Secretary, Medical And Health Department Government Of Rajasthan, Secretariat, Jaipur.
2. The Rajasthan University Of Health Sciecn, through its Registrar, Kumbha Marg, Sector-18, Pratap Nagar, Tonk Road, Jaipur.
3. Indian Nursing Council, 8<sup>th</sup> Floor, NBCC Center, Plot No. 2, Community Center Okhla, Phase I, New Delhi 110020 through its Secretary.
4. The Rajasthan Nursing Council, Jaipur, through its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur.
5. Rajasthan Private Nursing Schools And College Federation, through its Secretary, 357 Laxmi Nagar, Paota B Road, Jodhpur.

----Respondents

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For Petitioner(s) : Mr. Shreyansh Mardia  
For Respondent(s) : Mr. Virendra Lodha, Sr. Adv. assisted  
by Mr. Raunak Singhvi (through VC)  
Mr. Abhinav Jain  
Mr. Yashpal Khileree  
Mr. Mahendra Bishnoi

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**HON'BLE MR. JUSTICE VIJAY BISHNOI**

**Order**

**24/05/2022**

This writ petition is filed by the petitioner-institution seeking  
the following reliefs :-



**I.** This is most humbly prayed that by an appropriate writ, order of direction notices dated 27.01.2022 (Annex.-3), 29.01.2022 (Annex.-4), 01.02.2022 (Annex.-6) and notice (unrated) received on 01.02.2022 (Annex.-7) may kindly be quashed and set aside.

**II.** This is most humbly prayed that by an appropriate writ, order or direction the consequential proceedings caused due to the notices dated 27.01.2022, 29.01.2022, 01.02.2022 and notice (unrated) received on 01.02.2022 may kindly be quashed and set aside.

**III.** The petitioner may be permitted to undertake B.Sc.(N), P.B.Sc. And M.Sc. Course for the academic session 2021-22 and the name of the petitioner may be included in all the rounds of counseling;

**IV.** The Respondent authorities may kindly be directed to include the petitioner institution in the list of institution eligible and allowed to take admission of students for B.Sc.(N) Course for the academic session 2021-22.

**V.** That the petitioner institution be declared to be entitled to take admission of students for B.Sc.(N) course for the session 2021-22;

**VI.** That the Respondent No.5 Federation may be directed to include the name of the petitioner's institute for counseling sessions for the academic session 2021-22.

**VII.** This is most humbly prayed that by an appropriate writ, order of direction, the Respondents be restrained to disaffiliate the petitioner institution in the interest of the students and faculty staff therein.

**VIII.** Any other writ or direction which the Hon'ble court deem fit and proper in the interest of justice may be passed in favor of the petitioner and further the cost of the writ petition may kindly be awarded in favor of the petitioner."

Learned counsel Mr. Virendra Lodha, Sr. Adv assisted by Mr. Abhinav Jain appearing on behalf of the respondent No.2 - Rajasthan University of Health Sciences has made a preliminary objection regarding maintainability of the writ petition. It is submitted that the petitioner-institution has also filed a writ petition being SBCWP No.2687/2022 before this Court at Jaipur Bench praying for similar reliefs and the said writ petition came to be dismissed as withdrawn vide order dated 26.4.2022 with liberty to the petitioner to file a fresh writ petition in view of subsequent



developments. It is further submitted that now this fresh writ petition is filed by the petitioner-institution at the Principal Seat of the High Court, Jodhpur without disclosing that earlier writ petition filed on behalf of the petitioner-institution seeking similar reliefs has already been dismissed by this Court at Jaipur Bench as having been withdrawn.

Mr. Lodha, learned Senior Advocate has argued that the conduct of the petitioner-institution is objectionable and condemnable as the petitioner-institution has filed successive writ petitions without disclosing the fact that earlier, the writ petition filed by it seeking similar reliefs has already been dismissed though as withdrawn.

Mr. Lodha, learned Senior Advocate has also informed this Court that another writ petition being SBCWP No.5254/2022 titled as "Prince Meena & Ors. vs. State of Rajasthan & Ors." has also been preferred on behalf of the students of the petitioner-institution wherein, they have also prayed for granting similar reliefs as prayed in this writ petition as well as in the earlier writ petition filed by the petitioner-institution before this Court at Jaipur Bench.

Mr. Lodha, learned Senior Advocate has also informed that in SBCWP No.5254/2022, the learned Single Judge at Jaipur Bench has issued notices on 06.05.2022 and the next date fixed in the matter is 26.05.2022. It is further submitted that in the above-referred writ petition, the petitioner - institution has also been made party respondent No.6.

Learned counsel Mr. Shreyansh Mardia appearing on behalf of the petitioner has categorically made a statement that he is not aware of the fact that the petitioner has already filed writ petition



before this Court at Jaipur Bench and the same has been dismissed as withdrawn. Mr. Mardia has further submitted that the petitioner has not informed him about the said fact, otherwise, there is no reason for him not to mention the above fact in this writ petition.

Heard.

In SBCWP No.2687/2022 filed on behalf of the petitioner-institutions and others before this Court at Jaipur Bench, the following reliefs have been claimed :-

- a. This is most humbly prayed that by an appropriate writ, order of direction notices dated 27.01.2022, 29.01.2022, 01.02.2022 and notice (undated) received on 01.02.2022 may kindly be quashed and set aside.
- b. This is most humbly prayed that by an appropriate writ, order or direction the consequential proceedings caused due to the notices dated 27.01.2022, 29.01.2022, 01.02.2022 and notice (undated) received on 01.02.2022 may kindly be quashed and set aside.
- c. This is most humbly prayed that by an appropriate writ, order or direction, the Respondents be restrained to disaffiliate the Petitioner Institution in the interest of the students and faculty staff therein.
- d. Any other writ or direction which the Hon'ble court deem fit and proper in the interest of justice may be passed in favor of the petitioner and further the cost of the writ petition may kindly be awarded in favor of the petitioner."

Having gone through the reliefs prayed in SBCWP No.2687/2022 preferred on behalf of the petitioner-institution and others before this Court at Jaipur Bench, the relief prayed for in the above referred writ petition are almost identical as prayed for in this writ petition, except one or two prayers made in this writ petition, which are almost insignificant.

Having gone through averments made in this writ petition, I do not find any major subsequent developments which forced the



petitioner-institution to file fresh writ petition after withdrawal of the writ petition filed before the Jaipur Bench.

It is interesting to note that the writ petition filed by the petitioner-institution along with others, which came to be dismissed as withdrawn at Jaipur Bench on 26.04.2022 and on the very next day i.e. on 27.04.2022, the present writ petition is filed at Principal Seat, Jodhpur. This leads to the only conclusion that the petitioner-institution has already decided to file writ petition before this Court at Principal Seat Jodhpur though the earlier writ petition filed by it before the Jaipur Bench was already pending.

The reasons, which forced the petitioner-institution to file this writ petition, though the earlier writ petition filed by it before the Jaipur Bench is pending, are not known to this Court, as the same have not been disclosed by the petitioner-institution. This may lead to the only conclusion that the petitioner-institution was apprehensive that he may not get a favorable order from this Court at Jaipur Bench.

Now-a-days, the practice of bench hunting is often noticed, however, it is least expected from the institute providing education for the higher courses to the students to involve in such practice. It is a very sorry state of affairs and the conduct of the petitioner-institution is highly condemnable and contemptuous too. It is not expected from any person approaching the Court to conceal the relevant facts and to make an attempt of mislead the Court.

In the present case, the petitioner-institution has not even bothered to apprise the Advocate engaging by it before this Court regarding the relevant facts, which resulted into awkward position of the advocate concerned before the Court.



I am of the opinion that the conduct of the petitioner-institution, as noted above, is highly condemnable, objectionable and cannot be condoned in any situation and, therefore, I deem it appropriate to dismiss this writ petition while imposing a cost of Rs.10,00,000/- (Rupees Ten Lakhs) upon the petitioner-institution.

The cost so imposed shall be deposited by the petitioner-institution with the Rajasthan Legal Services Authority, Rajasthan High Court, Jodhpur within a period of one month from today.

If the cost imposed is not deposited by the petitioner-institution within the stipulated time, the Rajasthan Legal Services Authority, Rajasthan High Court, Jodhpur shall inform about the same to this Court.

Ordered accordingly.

Stay petition is also dismissed.

**(VIJAY BISHNOI),J**

219-Arun/-

