

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writs No. 24485/2018

Divya Kumari D/o Shri Jagmohan, Aged About 19 Years, By
Caste Koli, R/o Deewan Ji Ka Bagh School No. 4 Ke Pass, Alwar,
Rajasthan.

-----Petitioner

Versus

1. Rajasthan University Of Health Sciences, Jaipur Sector 18, Kumbha Marg, Pratap Nagar, Tonk Road, Jaipur Through Registrar.
2. Controller Of Examinations, Rajasthan University Of Health Sciences, Jaipur Sector 18, Kumbha Marg, Pratap Nagar, Tonk Road, Jaipur.
3. The Principal, Sharda College Of Nursing, Sodawas, District Alwar, Rajasthan
4. Biyani Institute Of Science And Management, Jaipur R-4, Sec 03, Vidhyadhar Nagar, Jaipur.

-----Respondents

For Petitioner(s)	:	Ms. Raj Sharma
For Respondent(s)	:	

HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

Order

31/10/2018

Petitioner was admitted to in B.Sc. Nursing for the academic session 2017-18. She was allotted Sharda College of Nursing, Sodawas, District Alwar, in the first online counselling. Accordingly, she deposited the required fee on 13th November, 2017. Online examination forms, for B.Sc. Part-I Main Examination–November, 2018, were to be submitted w.e.f. 16th October, 2018 to 27th October, 2018. For the petitioner could not fill up her examination

form, she has approached this Court praying for the following reliefs:

“(i) to allot the enrollment no. to the petitioner from the college of Biyani Institute of Science and management.

(ii) to allow the petitioner to fill the application form in pursuance of notice dated 09.10.2018 for B.Sc. Nursing Part I Main Examination November 2018 which were to be filled from 16.10.2018 to 27.10.2018.

(iii) to allow the petitioner to sit in the B.Sc. Nursing Part I Main Examination November 2018 which are likely to commence in the month of November.

(iv) the respondents may be directed to declare the result of the petitioner.

(v) Cost of the petition be allowed.

Any other order or direction and benefits which this Hon'ble Court deems fit and proper may also kindly be passed in favour of the petitioners.”

Briefly, the essential skeletal material facts which needs to be taken note of are that the petitioner after admission in Sharda College of Nursing, Sodawas, District Alwar, sought admission in Biyani Institute of Science and Management, Jaipur (respondent No.4). It is pleaded case of the petitioner that just after three days of her admission to Sharda College of Nursing, Sodawas, District Alwar, she realized that the academic atmosphere was not good enough so also the distance she had to travel of about 90 Kms., caused lot of inconvenience; and therefore, she sought admission in Biyani Institute of Science and Management, Jaipur.

Learned counsel for the petitioner vociferously argued that so soon the petitioner learnt of the fact that her name was not listed in either of the college, she approached the Rajasthan University of Health Sciences, Jaipur (for short, RUHS), and in

turn, both the Institutes were called upon vide communication dated 30th August, 2018, to disclose the factual matrix, along with required documentary evidence is the University on 5th September, 2018. However, the result of proceedings of 5th September, 2018, is not known, and therefore, the petitioner addressed a notice for demand of justice through counsel on 15th October, 2018, but even that failed to evoke any response.

According to the learned counsel, the petitioner deposited fee in both the Institutes (colleges), yet she was not registered with either of the college.

Referring to an email communication received from Biyani Institute of Science & Management, Jaipur, it is stated that the petitioner was informed of her enrollment not included in the list of the colleges and was advised immediately to contact RUHS. The petitioner was again informed by Biyani Institute of Science & Management, Jaipur, that her admission to B.Sc. Part-I, was found in other college as per information furnished by RUHS.

Counsel further asserted that in fact, petitioner studied for the entire academic session in Biyani Institute of Science & Management, Jaipur, and therefore, she ought to have been registered with the same college.

On being queried as to the procedure for change of college; learned counsel for the petitioner did not furnish any satisfactory reply.

I have heard the counsel for the petitioner and with her assistance scanned the relevant materials available on record as well as gave my thoughtful consideration to the submissions put forth.

Indisputably, the petitioner was allotted Sharda College of Nursing for admission to B.Sc. Part-I. It is also not disputed that petitioner deposited the required fee on 13th November, 2017. However, the petitioner did not find Sharda College of Nursing of good academic atmosphere. Further, she had to travel a distance of about 90 Kms, to attend the college. And therefore, just after three days sought admission in another college i.e. Biyani Institute of Science & Management, Jaipur. From the affidavit sworn in by the petitioner, it is also reflected that she shifted to Biyani Institute of Science & Management on her own volition and requested Sharda College of Nursing to return her original documents. The date on the affidavit is not legible.

Be that as it may, from the statement made on oath, it is reflected that on 31st January, 2018, the petitioner got enrollment and the original documents were deposited with the college. Thus, whether the petitioner studied in the college allotted to her i.e. Sharda College of Nursing or in Biyani Institute of Science & Management, Jaipur, cannot be ascertained. That apart once the petitioner was accorded admission in Sharda College of Nursing, she could not have admitted to another college without NOC from the earlier Institution. सत्यमेव जयते

In view of the factual matrix aforesaid, the action of the respondents in not allowing the petitioner to participate in the examination of B.Sc. Nursing Part-I, cannot be faulted.

Accordingly, writ application is devoid of any merits, and therefore, deserves to be dismissed.

Ordered accordingly.

(VEERENDR SINGH SIRADHANA),J