

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

S.B. Civil Writ Petition No. 2622/2021

1. Subodh Shikshan Sansthan, Dungarpur, Through Its Secretary, Dr. Subodh Kant Nayak, S/o Nand Lal Nayak, Aged 30 Years R/o Village Post Gamdi Ahada, District Dungarpur, Rajasthan.
2. Disha Degree College, Dungarpur, Opposite Diet, New Bus Stand Road, Dungarpur, Rajasthan Through Its Principal

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Higher Education, Government Secretariat, Government Of Rajasthan, Jaipur (Raj.).
2. The Commissioner, Department Of Higher Education, Jaipur, Rajasthan.

----Respondents

Connected With

S.B. Civil Writ Petition No. 631/2022

1. Karam Shri Institute Of Education, Through Its Secretary Raghuveer Singh S/o Shri Shivpal Singh, Aged About 46 Years, R/o Aspur, Tehsil Dungarpur (Raj.).
2. Gurukul Degree College, Punjpur, District Dungarpur, Through Its Secretary Raghuveer Singh S/o Shri Shivpal Singh, Aged About 46 Years, R/o Aspur, Tehsil Dungarpur (Raj.), Presently Residing At House No. 5/73, Housing Board, Near Modern School, Dungarpur.

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Higher Education, Government Secretariat, Government Of Rajasthan, Jaipur (Raj.).
2. The Commissioner, Department Of Higher Education, Jaipur, Rajasthan.

----Respondents

For Petitioner(s) : Ms.Pragya Seth for
Mr. Mahendra Shah

For Respondent(s) : Mr. Aditya Sharma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

31/03/2022

The matter comes up on application No.2/2022 in S.B. Civil Writ Petition No.2622/2021 filed by the petitioner seeking disposal of the writ petitions in terms of a co-ordinate Bench order of this Court dated 11.03.2022 in **S.B. Civil Writ Petition No.13200/2019; Sita Devi Educational Society & Anr. Vs. State of Rajasthan & Ors.** and other connected matters.

Learned counsel for the petitioners submitted that the issue involved herein is no more *res integra* and stands resolved by a co-ordinate Bench order in case of **Sita Devi Educational Society** (supra) and prayed that these writ petitions may also be disposed of in similar terms.

Learned counsel for the respondents completely agreed with the submission made by learned counsel for the petitioners.

In case of **Sita Devi Educationa Society** (supra) following direction were issued by this Court:-

"(i) The penalty clause in the policy/instructions for Private Colleges issued by the Commissioner, College Education, for different years in question, is held to be beyond his power and is declared illegal.

(ii) The penalty deposited by the respective petitioner/college under the orders of the Court or in the light of the provisions of the Private Colleges Policy be refunded to the petitioners/colleges within a period of sixty days failing which interest @ 6% will accrue on the same after lapse of 60 days.

(iii) It is directed that the amount refunded to the petitioners/colleges by the respondents in light of the above directions, shall be deposited by the respective petitioners/colleges in the "Student

Welfare Fund", and be used for the welfare and betterment of students in activities like clearing dues of students who are unable to deposit fee, medical care, library and other amenities and facilities needed for and by the students and not be used for any other purpose.

(iv) The State as well as respondents are directed to ensure that on account of present dispute, students should not be made to suffer and their results, mark-sheets, admit cards, other documents should not be withheld and be declared/released in capacity of regular students forthwith immediately, without any fail. The respondents are directed to assist and help the students in question on 24x7 basis. No student should be deprived of appearance in any future examination or appearance on account of present dispute as the petitioners have submitted that the non-declaration of result is causing prejudice to the students for appearing in future examinations including competitive examinations."

Taking into consideration the contentions advanced by learned counsels for the respective parties, these writ petitions are disposed of in terms of direction dated 11.03.2022 passed in case of **Sita Devi Educational Society** (supra) which shall apply *mutatis mutandis* to these cases also.

The pending applications stand disposed of accordingly.

(MAHENDAR KUMAR GOYAL),J