



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

S.B. Civil Writ Petition No. 21321/2025

Health And Education Care Society, Gupta Nursing College,
Branch Office At - 23, Green Valley Village, Gadwada Bhansol,
Upali Odan, Near Shrinath Engineering College, Tehsil Mavli,
District - Udaipur, Through Its President Shri Brijmohan Sharma,
S/o Late Shri Jagan Prasad Age - 77 Years.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Medical And Health Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Rajastahn Nursing Council, Jaipur Through Its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur.
3. The Rajasthan University Of Health Science, Through Its Registrar, Kumbha Marg, Sector-18, Pratap Nagar, Tonk Road, Jaipur.
4. Private Physiotherapy, Nursing And Para Medical Institutions Society, Branch Office Jodhpur, Through Its Secretary, Plot No. 273, Subhash Nagar, Pal Road, Jodhpur, Rajasthan.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 21286/2025

Health And Education Care Society, Gupta Nursing College,
Branch Office At - 23, Green Valley Village, Gadwada, Bhansol,
Upali Odan, Near Shrinath Engineering College, Tehsil Mavli,
District - Udaipur, Through Its President Shri Brijmohan Sharma,
S/o (Late) Shri Jagan Prasad, Age- 77 Years.

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2. The Rajasthan Nursing Council, Jaipur, Through Its Registrar, B-39, Sardar Patel Marg, C-Scheme, Jaipur.
3. Private Physiotherapy, Nursing And Para Medical Institutions Society, Branch Office Jodhpur, Through Its Secretary, Plot No. 273, Subhash Nagar, Pal Road, Jodhpur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Shreyansh Mardia
For Respondent(s)	:	Mr. N.S. Rajpurohit, AAG

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

16/02/2026

1. Present writ petition has been filed seeking issuance of direction to respondent No. 1 to issue No Objection Certificate ("NOC") to petitioner-institute for running Bachelor of Nursing (B.Sc.) course/GNM course.
2. Learned counsel for the petitioner, while referring to documents annexed with present writ petition, stated that all the necessary infrastructure, hospital facilities etc. have been established as per norms and other formalities have also been complied with by petitioner-institute, however, required NOC has not been granted by respondent authorities. Learned counsel for the petitioner further submits that although inspection of the petitioner's institution was made way back in July 2025, however, neither the copy of inspection report was supplied to the petitioner nor any communication was sent informing status said application. In view of the said prolong inaction on the part of respondent - authorities, present writ petition is filed.



3. Coordinate Bench of this Court, vide its order dated 15.01.2026, has directed counsel for the respondent to place inspection report on record. Since the same was not filed, similar directions were issued on 03.02.2026, but to utter dismay, the same has not been placed on record. In such circumstances, this Court was compelled to pass order dated 11.02.2026 and granted last opportunity to respondent to place on record inspection report, also made clear that on failure to comply with said directions, the Secretary, Medical and Health Department shall remain present before this Court.

4. Today, by way of reply to writ petition, inspection report has been placed on record. A perusal of the inspection report revealed that said inspection was done on 13.07.2025, wherein the following recommendation was made by the inspecting team:-

"After physical inspection of Gupta Nursing College, Kishangarh Bas and its parental hospital, the Committee found the infrastructure, hostel and clinical facilities as per norms of INC and departmental guidelines. The Committee finally recommends grant of approval to Gupta Nursing College for starting the following courses with mentioning seat:

*B.Sc (Nursing) 30 Seats
GNM 30 Seats"*

5. During the course of proceedings, this Court put a specific query was posed to learned counsel for respondents i.e., despite the inspecting committee's clear recommendation for grant of NOC made way back in July 2025, why has the required NOC not been issued even after a lapse of eight months ? No satisfactory explanation has been offered by learned counsel for the respondents for such inordinate delay. He stated that the application as well as inspection report is pending consideration



before High Power Committee, which shall take final decision in due course.

6. Heard learned Counsel for the parties and perused the material available on record.

7. This court has taken note of Guidelines regarding **'Establishment of Nursing Schools/Colleges/Universities in the Private Sector'** issued by Respondent authorities in 2024 (Annex.3). Said guidelines clearly stipulates that entire process of issuance of NOC has to be completed in 90 days. It further provides that application shall be disposed of within 45 days of receipt of the inspection report.

8. This Court finds that inaction on the part of respondents in not deciding applications for grant of NOC is in clear defiance of their own guidelines. Such oblivious conduct has rendered the spirit and object of the timeline provided in said guidelines nugatory. Moreover, the inexplicable delay by State authorities in granting NOC, despite inspecting committee's unequivocal recommendation made way back in July 2025 is nothing short of deplorable. A lapse of over eight months in processing a routine clearance reveals callous disregard for public interest and slackness in discharge of their duties. This Court is constrained to observe that such gross inaction is compelling institutions to seek extraordinary remedies from this Court.

9. The authorities' high-handedness in sitting over NOC applications despite favourable inspection report, as exemplified in the present case, not only undermines the rule of law but transforms this Court into an unwilling de facto regulator of the process of grant of NOC. This Court records its profound



displeasure at the State authorities' egregious lapses that compel institutions to approach this Court for issuance of writ of mandamus at every stage; whether for processing the application or for carrying out inspection, for procuring copies of inspection report, or for final NOC grant, thereby inundating judicial dockets with avoidable litigation and exposing systemic governance failure warranting the strongest censure.

10. Very recently, a writ petition (***S.B. Civil Writ Petition No. 702/2026***) came before this Court wherein the validity period of certain NOCs such as Fire NOCs, Biomedical NOCs etc. which were having their validity period at the time of inspection were expired solely due to inordinate delay attributable to the State authorities, who sat over the application without any justification. By the time the authorities finally considered the matter, the said NOCs had lapsed, which compelled for renewal of the said NOCs. This Court is appalled by such inaction, which perpetuates a vicious cycle of litigation, extracting multiple rounds of compliance from institutions while the executive remains unreactive.

11. Notably, a bare perusal of the Rajasthan Guaranteed Delivery of Public Services Act, 2011 ("Act of 2011") makes it abundantly clear that the legislature has enacted the said statute with the object of ensuring timely and accountable delivery of public services. Section 4 of the Act confers upon citizen a statutory "right to service" within the stipulated time limit. The same is reproduced herein below:

"4. Right to obtain service within the stipulated time limit.



(1) The designated officer shall provide the service notified under Section 3 to the person eligible to obtain the service, within the stipulated time limit.

(2) The designated officer may seek assistance of any other officer or employee as he considers it necessary for the proper discharge of his duties under sub-section (1).

(3) any officer or employee, whose assistance has been sought under subsection (2), shall render all assistance to the designated officer seeking his assistance and for the purposes of any contravention of the provisions of this Act, search other officer or employee, as the case maybe, shall be treated a designated officer."

12. Moreover, Section 5 of Act of 2011 mandates that upon receipt of an application, the designated officer is duty-bound, within such prescribed period, either to provide the service or to reject the application by recording reasons in writing. The entire scheme of the Act, including the appellate remedies under Section 6 and the imposition of penalty under Section 7 for delay or failure without sufficient cause, reflects the legislative intent to curb administrative inertia and to eliminate the culture of indefinite governmental inaction.

13. In the present case, the authorities having sat over the petitioner's application for grant of NOC for an inordinate length of time have acted in complete derogation of the statutory mandate, thereby frustrating the very purpose for which the Act of 2011 was brought into force. Such unexplained delay not only defeats the citizen's guaranteed right to timely service but also strikes at the core of transparency, efficiency and public accountability sought to be achieved by the legislature.



14. Once the inspecting committee records unqualified satisfaction with all requisite compliances and records a clear recommendation for NOC grant, the petitioner institution acquires a legitimate expectation of time-bound processing for issuance of formal NOC. The failure to honour this expectation breeds cynicism, compelling repeated judicial interventions and eroding public faith in administrative processes.

15. This Hon'ble High Court in **S.B. Civil Writ Petition No. 19116/2023** held that State authorities are under an obligation to decide the application for grant of NOC to institution/colleges expeditiously. The relevant paragraph is reproduced herein below:

"In the considered opinion of this Court, the respondent-State is under an obligation to decide the cases of the petitioners-Institutions for grant of "No Objection Certificate" expeditiously, so that the students, who are studying in the petitioners-Institutions may not suffer and their future may not hang in uncertainty."

16. Moreover, the State authorities' practice of collecting application fees for NOC applications, only to sit over such applications without any tangible progress, raises serious questions of fairness and accountability.

17. Merely specifying broad or general timelines in the guidelines (Annex.3) is insufficient to ensure effective and expeditious disposal of applications. This Court finds it necessary that a detailed and comprehensive framework prescribing specific timelines for each distinct stage of the application process should be in place. The respondent State authorities are, therefore, directed to formulate and notify, within eight weeks from today, **Rajasthan Grant of NOC/Approval/Permission**



(Education) Framework-2026 for grant of required NOC / approval / permission for all kinds of all educational courses / establishment of colleges etc. by establishing a fully digitized online portal with real-time tracking and strict timelines for all stages from submission to final disposal. Broadly, the Framework shall incorporate designated nodal officers for accountability, mandatory inspections, uploading such inspection reports in a time-bound manner, penalty provisions for delays, public transparency measures including notice board displays and RTI compliance, etc. The State of Rajasthan is free to incorporate all other aspects which may be necessary to ensure time-bound disposal of the applications of such nature. The Chief Secretary, State of Rajasthan is directed to ensure the compliance of this order for preparation of a comprehensive framework as directed above within the stipulated period.

18. Looking to the peculiar facts and circumstances of the present case and serious lapses attributable to the respondent authorities, this Court considers the present matter to be a fit case for imposition of heavy costs upon the State for its failure to regulate and process the grant of NOC in a timely manner. The Court is constrained to observe that such administrative inaction has resulted in wholly avoidable litigation, thereby causing unnecessary wastage of the precious time of this Court, which could have otherwise been devoted for adjudication of more deserving matters.

19. However, learned AAG Mr. N.S. Rajpurohit, has prayed that no personal costs be imposed upon the concerned officers at this stage and has assured this Court that the requisite NOC shall be





granted in favour of the petitioner institution within a period of fifteen days from today. In view of the insistence and request made by Mr. N.S. Rajpurohit, learned Additional Advocate General and the assurance given at the bar, this Court, though reluctantly, refrains from imposing costs at this stage.

20. It is made clear that in the event, the required NOC is not granted in favour of the petitioner-institution within fifteen days, this Court shall take serious note thereof by initiating appropriate action, including but not limited to imposition of heavy costs personally on the concerned officer.

21. The State authorities shall also place on record the status report regarding the directions given by this Court and contained in para 17 of this order.

22. List the matter on 09.03.2026.

(SANJEET PUROHIT),J

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