



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

S.B. Civil Writ Petition No. 7709/2022

Maharaja Hameer College, Village Juwad, Sawai Madhopur Road,  
Tehsil And District Sawai Madhopur, Run Through Jamway  
Educational Trust Through Its Secretary Shri Surendra Singh  
Rajawat, Son Of Shri Madan Singh Rajawat, Aged About 48  
Years, R/o Jamwai Campus, Bal Mandir Colony, Sawai Madhopur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary Higher Education  
And Technical Education Department, Secretariat  
Rajasthan.
2. Commissioner, Commissionarate College Education  
Rajasthan, Block-4, Ks Sankul, Jln Road, Jaipur-302015,  
Rajasthan.
3. District Collector, Sawai Madhopur
4. University Of Kota, Through Its Registrar (Academic), Mbs  
Marg, Near Kabir Circle, Swami Vivekananda Nagar, Kota,  
Rajasthan 324005

-----Respondents

Connected With

S.B. Civil Writ Petition No. 10117/2022

Maharaja Hameer College, Village Juwad, Kota Road, Tehsil-  
Chauth Ka Barwada, Sawai Mahopur, Run Through Jamway  
Educational Trust Through Its Secretary Shri Surendra Singh  
Rajawat, Son Of Shri Madan Singh Rajawat, Aged About 48  
Years, R/o Jamwai Campus, Bal Mandir Colony, Sawai Madhopur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary Higher Education  
Technical Education Department, Secretariat Rajasthan.
2. Commissioner, Commissionarate College Education,  
Rajasthan Block-4, Rks Sankul, Jln Road, Jaipur,  
Rajasthan - 302015.
3. University Of Kota, Through Its Registrar (Academic), Mbs  
Marg, Near Kabir Circle, Swami Vivekananda Nagar, Kota,  
Rajasthan - 324005.
4. Principal, Shaheed Captain Ripudaman Singh Government  
College, Sawaimadhopur.
5. Regional Director, North Regional Committee, National  
Council For Teacher Education, G-7, Sector - 10, Dwarka,



(Near Sector-10 Metro Station) New Delhi -110075

6. Co-Ordinator, Ptet-2021 Exam, Government Dungar College, Bikaner.
7. Co-Ordinator, Ptet-2022 Exam, Jainarayan Vyas University, Jodhpur.

-----Respondents

S.B. Civil Writ Petition No. 10152/2022

Jamway Kanya College, Plot No. 1, Street No. 00, Village Mega Highway Juwad Post Office Sawai Madhopur, Tehsil Sawai Madhopur Distt. Sawai Madhhopur, Rajasthan - 322001 Run Through Raja Hameer Education And Medical Health Welfare Society Sawai Madhopur And Jamway Educational Trust Through Its Secretary Mrs. Jaijai Kanwar Wife Of Surendra Singh Rajawat, Aged About 42 Years, R/o Jamwai Campus, Bal Mandir Colony, Sawai Madhopur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary Higher Education Technical Education Department, Secretariat Rajasthan.
2. Commissioner, Commissionarate College Education Rajasthan, Block-4, Rks Sankul, Jln Road, Jaipur, Rajasthan - 302015.
3. University Of Kota Through Its Registrar (Academic), Mbs Marg, Near Kabir Circle, Swami Vivekananda Nagar, Kota, Rajasthan - 324005.
4. Principal, Shaheed Captain Ripudaman Singh Government College, Sawaimadhopur.
5. Regional Director, North Regional Committee, National Council For Teacher Education, G-7, Sector - 10, Dwarka, (Near Sector-10 Metro Station) New Delhi - 110075
6. Co-Ordinator, Ptet-2021 Exam, Government Dungar College, Bikaner.
7. Co-Ordinator, Ptet-2022 Exam, Jainarayan Vyas University, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. R.N. Mathur, Sr. Adv. with  
Mr. Shovit Jhajharia and  
Mr. Hemant Singh Yadav  
Mr. R.B. Mathur, Sr. Adv. with  
Mr. Dheeraj Palia &  
Mr. Salim Khan Gori &  
Mr. Amit Malani

For Respondent(s) : Dr. Vibhuti Bhushan Sharma, AAG



with  
Ms. Charvi Patni  
Mr. R.A. Katta  
Mr. Vishesh Sharma  
Mr. Y.C. Sharma  
Mr. R.K. Paliwal  
Mr. M.K. Dhakad  
Ms. Sweta Pareek

---

**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL**

**Order**

**03/08/2022**

Although, the matters come up on an application (1/2022 in SBCWP No.7709/2022) filed by the petitioner seeking early disposal of the stay application; however, since, these writ petitions share common facts and common question of law, on the joint requests of the learned counsels for the respective parties, the same were heard together on merit at this stage and are being decided vide this common order.

Under challenge in the writ petitions are the orders dated 02.05.2022 passed by the respondent No.2, the Commissioner, Commissionerate College Education, Rajasthan withdrawing the temporary/permanent No Objection Certificate (for brevity, "NOC") issued in favour of the petitioners-institutions from the Sessions 2022-23 as also the orders dated 17.06.2022 and 30.06.2022 whereby, the students of the petitioners-colleges are sought to be transferred to other colleges.

For the sake of convenience, S.B. Civil Writ Petition No.7709/2022 is taken as the lead case.

The facts in brief as revealed from the writ petitions are that the Jamway Educational Trust, a registered society under the Rajasthan Societies Registration Act, 1958, is running the petitioner-college which was granted temporary NOC by the



respondent No.2 for running B.A. Course in Arts faculty vide order dated 23.04.2010 for the academic Sessions 2010-2011, 2011-2012 and 2012-2013 which came to be extended from time to time. Vide order dated 09.06.2015, the petitioner-college was granted permanent NOC.

Vide order dated 21.02.2022 passed by the Commissioner, Commissionerate College Education, permanent NOC granted in favour of the petitioner-institution was cancelled from the Academic Sessions 2022-2023. The order was assailed by the petitioner by way of a S.B. Civil Writ Petition No.4018/2022 which came to be disposed of by this Court vide order dated 13.04.2022 whereby, the respondents were given a liberty to pass a fresh reasoned order after affording the petitioner-institution an opportunity of hearing inasmuch as the order impugned dated 21.02.2022 was withdrawn by the respondents. Thereafter, a notice dated 21.04.2022 was served upon the petitioner requiring it to appear personally on 26.04.2022 alongwith written explanation. It is averred that the petitioner through its President/Secretary met the respondent No.2 in person and submitted a letter dated 24.04.2022 requesting therein to supply copies of the enquiry reports alongwith documents, part of the reports as the same were not submitted before this Court in the earlier round of litigation. It is also averred that a copy of the letter dated 24.04.2022 was also sent through registered post; but, without supplying the petitioner requisite documents and without affording it an opportunity of hearing, vide order impugned dated 02.05.2022, the permanent NOC has been cancelled with effect from the Academic Sessions 2022-2023. In the S.B. Civil Writ Petition No.10117/2022 and S.B. Civil Writ





Petition No.10152/2022, the consequential orders, i.e., dated 17.06.2022 and dated 30.06.2022 seeking to transfer the students of the petitioners-institutions to other colleges, are also under challenge.

The respondents No.1 & 2 in their reply submitted that the order dated 02.05.2022 came to be passed on the basis of two enquiry reports wherein, the petitioner-institution was found guilty of grave irregularities. It is averred that several deficiencies and discrepancies were found by the respondents in the petitioner-college such as it did not have basic infrastructure like library, laboratories, drinking water, toilet, table, chairs and play ground etc. It is stated that students of two independent colleges i.e. Maharaja Hameer College & Jamway Kanya College were found to be studying in one building only and petitioners' explanations that on account of heavy rain fall, the building got damaged and was under maintenance and repairs, was not found to be justified. With regard to the letter dated 24.04.2022, it is stated that no proof has been annexed regarding its submission and it was couriered on 25.04.2022 and not on 24.04.2022 as stated. It is further stated that the enquiry reports and other material relied upon by the respondents could have been obtained by the petitioners under Right to Information Act, 2005.

The petitioners in its rejoinder submitted that an FIR No.74/2015 came to be registered against the petitioners just to harass it; but, after investigation, no case was found to be made out against it.

Mr. R.N. Mathur, and Mr. R.B. Mathur, learned Senior Counsels for the petitioners submitted that the order impugned



dated 02.05.2022 has been passed in violation of the principles of natural justice inasmuch as the petitioners were not given adequate and sufficient opportunity of defending the allegations against them. They contended that the petitioners were not supplied the copies of the two enquiry reports alongwith material, part of the reports which have been made basis of passing the order dated 02.05.2022. Learned Senior Counsels contended that the order dated 02.05.2022 does not reveal even application of mind by the authority on the material contained in the enquiry reports and hence, suffers from vice of non application of mind. Drawing attention of this Court towards the endorsement in the order dated 02.05.2022 to the effect that this order stands verified from the competent authority, learned Senior Counsel Mr. R.N. Mathur submitted that it appears to have been passed under dictate of an authority not empowered under Rule 7 of the Rajasthan Non-Government Educational Institutions (Recognition, Grant-in-aid and Service Conditions Etc.), 1993 to withdraw the recognition granted to an educational institution. Learned Senior Counsels submitted the orders dated 17.06.2022 and 30.06.2022 being consequential in nature, are also liable to be quashed and set aside. They, therefore, prayed that the writ petitions be allowed and the orders impugned be quashed and set aside.

Per contra, Dr. Vibhuti Bhushan Sharma, learned Additional Advocate General submitted that the order dated 02.05.2022 has been passed following the principles of natural justice. He submitted that the petitioners were duly served with a show cause notice dated 21.04.2022 whereby, they were required to submit their written explanation on 26.04.2022; but, they failed to do so. He submitted that in these circumstances, it is not permissible for



the petitioners to say that they were not given sufficient opportunity of defence. Dr. Sharma, drawing attention of this Court towards the letter dated 24.04.2022 (Annexure-17), submitted that it was dispatched on 25.04.2022 and even address of the recipient on the postal receipt is not clear. He submits that in any case, the petitioners were well aware of the two enquiry reports in as much as these were part of the reply filed by the respondents in S.B. Civil Writ Petition No.4018/2022 filed by the petitioner on an earlier occasion. He, therefore, prayed for dismissal of the writ petitions.

Heard. Considered.

The earlier order passed by the respondents dated 21.02.2022 cancelling the NOC granted in favour of the petitioner-institutions was withdrawn by the respondents when faced with the situation in earlier round of litigation of the same having been passed in violation of the principles of natural justice and the writ petitions filed by the petitioners came to be decided by this court vide its order dated 13.04.2022 granting the respondents an opportunity to pass a fresh reasoned order after affording the petitioners an opportunity of hearing. In response thereof, the respondents issued a show cause notice dated 21.04.2022 to the petitioner-institutions wherein, their response was sought on the specific findings in the enquiry reports of the two enquiries Committees; one constituted by the Commissioner, Commissionerate College Education, Rajasthan and another by the District Collector (Vigilance) Sawaimadhopur. Although, the copies of these enquiry reports were part of the reply filed by the respondents in earlier S.B. Civil Writ Petition No.1408/2022 preferred by one of the petitioners herein against the order dated



21.02.2022; but, indisputably, documents appended with the enquiry reports were not placed on record by the respondents. It is also admitted position that alongwith the show cause notice dated 21.04.2022 or even thereafter, the petitioners were not supplied with either copies of the enquiry reports or the documents appended therewith. The petitioners requested the respondents vide letter dated 24.04.2022 to supply them the documents, part of the enquiry reports in order to enable them to reply effectively to the show cause notice; but, the same was not responded by the respondents. This Court is not satisfied with the reason assigned by the respondents that the letter dated 24.04.2022 was dispatched on 25.04.2022 and the receipt of the registered post does not reveal the address of the recipient clearly and hence, it could not be replied by them for the reasons; firstly, there is no categorical denial in the reply that the respondents did not receive the letter dated 24.04.2022 sent through registered post and secondly, it is specifically stated in Para 15 of the memo of writ petition that the President/Secretary personally approached the respondent No.2 on 25.04.2022 and submitted a copy of the letter dated 24.04.2022 which is neither disputed nor denied by the respondents in their reply nor, they could have denied it as the letter dated 24.04.2022 (Annexure-17) bears seal of the respondent-Department dated 25.04.2022.

In these circumstances, it is apparent that the respondents have approached this court with dishonest plea which needs to be deprecated.

In any case, the respondents were under an obligation to supply the petitioners complete copies of the enquiry reports including the documents appended therewith inasmuch as their





response was sought by the respondents vide show cause notice dated 21.04.2022 on the specific points of the enquiry reports and these have been made basis of passing the impugned order dated 02.05.2022 and failure on the their part to supply the same, has definitely prejudiced the rights of the petitioners.

Further, a perusal of the order dated 02.05.2022 does not reveal application of mind by the respondent no.2 before cancelling the NOC. It simply says that on account of serious irregularities pointed out in the enquiry reports and on failure of the petitioners to submit their response, the NOC is cancelled. In a society governed by rule of law, such casual approach of the respondents is totally unwarranted. If the petitioners were to be punished merely on the basis of the findings of the enquiry Committees, there was no occasion for issuance of a show cause notice or giving the petitioners an opportunity to submit their response and an opportunity of hearing. However, in the present case, on an earlier occasion when the NOC granted in favour of the petitioners-institutions was cancelled vide order dated 21.02.2022 which had to be withdrawn by the respondents as it could not withstand judicial review, while deciding the writ petitions, the respondents were granted liberty to pass a fresh reasoned order after affording the petitioners an opportunity of hearing; but, the order impugned dated 02.05.2022 utterly fails to meet the aforesaid both requirements. It is bereft of even a whisper of reason for cancelling the permanent NOC granted in favour of the petitioners-institutions. Even, the original record of the case does not reveal any deliberation by the competent authority on the findings of the enquiry Committees or its satisfaction as to veracity of the allegations levelled against the



petitioners-institutions in the show cause notice being cancelling the NOC.

It is trite law that before affecting civil rights of a person adversely, the State is required to adhere to the principles of natural justice. In the present case, there has been wholesale violation of the cardinal principles of natural justice while withdrawing the NOC granted in favour of the petitioners. Generally, while setting aside the order passed by the State/Public Authority in violation of principles of natural justice, the matter is remanded back for decision afresh; however, keeping in view the singular facts of the case wherein, the earlier order dated 21.02.2022 passed by the respondents cancelling the NOC granted in favour of the petitioners-institutions had to be withdrawn by them in earlier round of litigation and they were given an opportunity to pass a fresh reasoned order after affording the petitioners an opportunity of hearing; but, they have failed to adhere to both the directions, this Court does not deem it just and proper to grant the respondents yet another opportunity to pass the fresh order.

In view thereof, these writ petitions are allowed with cost of Rs.15,000/- payable by the respondent No.1 to each of the petitioners. The order dated 02.05.2022 passed in respect of all the three petitioners-institutions is quashed and set aside. Resultantly, the consequential orders dated 17.06.2022 and 30.06.2022 also stand quashed and set aside.

(MAHENDAR KUMAR GOYAL),J

Sudha/427, 428, 430