RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 26056/2026

CNR: RJHC011085662026 | URN: CW / 45143U / 2026

Rajasthan High Court
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Skd Agriculture College, Chak 7, Stg, Gram Panchayat Dabliwas, Kutub, Hanumangarh Runs Under The Society Guru Govind Singh Charitable Trust, 7 Stg, Keshalnagar, Near Suratgarh Road Toll Plaza, Dabli Ratan, Hanumangarh Through Its Authorized Signatory Mayank Mathur S/o Sh. Suresh Chander Mathur, Aged 46 Years, R/o Skd University Campus, 7 STG, Keshalnagar, Near Suratgarh Road Toll Plaza, Dabli Ratan, Hanumangarh

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Agriculture And Horticulture, Secretariat, Jaipur.
2. Commissioner, Agriculture, Department Of Agriculture, Commissionerate Agriculture, Panth Krishi Bhawan, Jaipur.
3. Swami Keshwanandd Agriculture University, Bikaner, Through Its Registrar.
4. Office Of Jet Coordinator-2026, Swami Keshwanandd Agriculture University Bikaner Through Its Coordinator.

----Respondents

Connected with

S.B. Civil Writ Petition No. 26067/2026

CNR: RJHC011085612026 | URN: CW / 45154U / 2026

Shri Vinayak College Of Agriculture, Shri Vinayak Education Campus, Nayala Agra Road, Jaipur Runs Under The Society Shri Vinayak Prashikshan And Shodh Sansthan, Nayala Agra Road, Jaipur Through Its Secretary Manju Kumari Meena W/o Vimal Kumar Kanwat Aged 43 Years R/o Ramjipura Post Nayla Tehsil Jamwaramgarh, Nayla Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Agriculture And Horticulture Secretariat, Jaipur.

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2. Commissioner, Agriculture, Department Agriculture, Commissionerate Of Agriculture, Panth Krishi Bhawan ,jaipur.
3. Shri Karan Nagendra Agriculture University, Jobner, District Jaipur Through Its Registrar.
4. Office Of Jet Coordinator 2026, Swami Keshwanandd Agriculture University ,bikaner Through Its Coordinator.

----Respondents

S.B. Civil Writ Petition No. 26070/2026

CNR: RJHC011085572026 | URN: CW / 45157U / 2026

Shri Jeetendra Godaras Slbs Krishi Mahavidyalaya, Nh-25, Jodhpur-Jaipur National Highway, Banar, Jodhpur Runs Under The Society/company Shri Jeetendra Godara's Slbs Education Foundation, 6Th Road, Shakti Nagar, Paota C Road, Jodhpur Through Its Authorized Signatory Basant Kumar S/o Dhagla Ram, Aged 49 Years, R/o Behind Shop No.14, Village Thoriyo Ki Dhani, Pal Balaji, Jodhpur

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Agriculture And Horticulture, Secretariat, Jaipur.
2. Commissioner, Agriculture, Department Of Agriculture, Commissionerate Of Agriculture, Panth Krishi Bhawan, Jaipur.
3. Agriculture University, Jodhpur, Through Its Registrar.
4. Office Of Jet Coordinator-2026, Swami Keshwanandd Agriculture University, Bikaner, Through Its Coordinator.

----Respondents

S.B. Civil Writ Petition No. 26071/2026

CNR: RJHC011086072026 | URN: CW / 45158U / 2026

Shrinathji College Of Agriculture, Upali Oden, Nathdwara, District Rajsamand Runs Under The Shrinathji Society For Higher Education, Head Office At Shrinathji Institute Of Technical And Engineer, Upali Oden, Nathdwara, District

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Rajsamand Through Its Secretary Ashok Pareek S/o Sh. Raghunath Das Pareek Aged 70 Years, R/o Raghunath Nagar, Behind Private Bus Stand Nathdwara District Rajsamand.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Agriculture And Horticulture Secretariat, Jaipur.
2. Commissioner, Agriculture, Department Agriculture, Commissionerate Of Agriculture, Panth Krishi Bhawan ,jaipur.
3. Maharana Pratap University Of Agriculture And Technology, Udaipur Through Its Registrar.
4. Office Of Jet Coordinator 2026, Swami Keshwanandd Agriculture University, Bikaner Through Its Coordinator.

----Respondents

S.B. Civil Writ Petition No. 26279/2026

CNR: RJHC011090462026 | URN: CW / 45541U / 2026

Apex Institute Of Agriculture And Research, Ipb-14, Riico , Panpur, Kota Runs Under The Society Sanjay Shiksha Samiti, Near Vidhan Sabha Lal Kothi Seheme, Jaipur Through Its Secretary Mahesh Kumar Gautam S/o Sh. Omprakash, Aged 46 Years, R/o Apex Institute Residential Campus Ipb-14, Riico, Industrial Area, Ranpur Kota.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Agriculture And Horticulture, Secretariat, Jaipur.
2. Commissioner, Agriculture , Department Of Agriculture , Commissionerate Of Agriculture, Panth Krishi Bhawan, Jaipur.
3. Agriculture University, Kota , Borkhera Baran Road, Kota Through Its Registrar.
4. Office Of Jet Coordinator-2026, Swami Keshwanandd Agriculture University, Bikaner Through Its Coordinator.

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----Respondents

S.B. Civil Writ Petition No. 26281/2026

CNR: RJHC011092812026 | URN: CW / 45543U / 2026

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Bright Carrier Agriculture College, Nh 89, Bhamatsar, Nokha, District Bikaner Runs Under The Society Marudhara Medical And Educational Society, Ward No. 18, Behing Police Station, Gangashahar, Bikaner Through Its Secretary, Kamal Kant Bithu Son Of Narsingh Bithu, Aged About 42 Years, Resident Of Ward No. 18, Behind Police Station, Gangashahar, Bikaner.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Agriculture And Horticulture, Secretariat, Jaipur.
2. Commissioner, Agriculture Department Of Agriculture, Commissionerate Of Agriculture, Panth Krishi Bhawan, Jaipur.
3. Swami Keshwanand Agriculture University, Bikaner Through Its Registrar.
4. Office Of Jet Coordinator-2026, Swami Keshwanandd Agriculture University, Bikaner Through Its Coordinator.

----Respondents

S.B. Civil Writ Petition No. 26282/2026

CNR: RJHC011090492026 | URN: CW / 45544U / 2026

Sorabh Agriculture College, Gram Kheda, Tehsil Hindon City, District Karauli Runs Under The Society Rajasthan Delhi Education Society,krishna Colony, Bayana Moad, Hindon City, District Karauli Through Its Secretary Manesh Singh Beniwal S/o Sh.vijay Sing, Aged 47 Year, R/o S-24 Sector, Raj Aangan, Nri Colony, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Agriculture And Horticulture,

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Secretariat,jaipur.

2. Commissioner, Agriculture, Department Of Agriculture, Commissionerate Of Agriculture, Panth Krishi Bhawan, Jaipur.

3. Agriculture University, Kota, Borkhera, Baran Road, Kota Through Its Registrar.

4. Office Of Jet Coordinator-2026, Swami Keshwanandd Agriculture University, Bikaner Through Its Coordinator.

----Respondents

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For Petitioner(s) : Mr. C.S. Kotwani.
Mr. Chinmoy Shekhar.

For Respondent(s) : Mr. Nathu Singh Rathore, AAG.
Mr. Arpit Samdariya.
Mr. Deepesh Beniwal.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

R E P O R T A B L E

Reserved on: 18/10/2026 (12:15 PM)

Pronounced on: 18/10/2026 (10:20 PM)

1. At the outset, it is noted that today is Sunday and a holiday, however, on permission been granted by the Hon'ble the Chief Justice, the matters are being heard today.

2. At the joint request of learned counsel for the parties, the matters are heard finally, as counsel for the petitioners submits that the last date for depositing the Online Option Form fee is tomorrow i.e. 19.10.2026 12:00 Midnight and that, in the absence of appropriate relief, the petitioners-institutions would be deprived of the opportunity to participate in the counselling process and admit students to the B.Sc. Agriculture course for the Academic Session 2026–27. Learned counsel for the respondents pray for

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time to complete their instructions/file reply, however, upon the urgency shown by counsel for the petitioners, the respondents showed their willingness to argue the matters without filing reply.

3. Since all these writ petitions involve common questions of fact and law, arising out of similar impugned orders and raising substantially similar grounds and prayers, they are being heard and decided together by this common order. For the sake of convenience, the common facts and submissions are being noticed collectively, while the individual particulars of the respective petitioner-institutions are being referred to wherever necessary.

4. The ***SBCWP No.26056/2026*** has been filed with the following prayers:-

> "(i) the order dated 10.10.2026 (Annexure-7) as well as Policy of 2022 (Annexure-5) may kindly be ordered to be quashed and set aside; and
> (ii) The respondents may kindly be directed to permit the petitioner institution to participate in the JET-2026 counselling process for admission to the B.Sc. Agriculture course for the academic session 2026-27, pursuant to the counselling notification dated 12.10.2026 issued by the Office of the JET Coordinator, Swami Keshwanandd Rajasthan Agricultural University, Bikaner, and to consider allotment of eligible candidates against its sanctioned intake capacity of 60 seats, in accordance with law and subject to the final outcome of the present writ petition.; and"

5. The ***SBCWP No.26067/2026*** has been filed with the following prayers:-

> (i) the order dated 10.10.2026 (Annexure-7) as well as Policy of 2022 (Annexure-5) may kindly be ordered to be quashed and set aside; and
> (ii) The respondents may kindly be directed to permit the petitioner institution to participate in the JET-2026 counselling process for admission to the B.Sc.

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> Agriculture course for the academic session 2026-27, pursuant to the counselling notification dated 12.10.2026 issued by the Office of the JET Coordinator, Swami Keshwanandd Rajasthan Agricultural University, Bikaner, and to consider allotment of eligible candidates against its sanctioned intake capacity of 60 seats, in accordance with law and subject to the final outcome of the present writ petition.; and

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6. The ***SBCWP No.26070/2026*** has been filed with the following prayers:-

> (1) the order dated 10.10.2026 (Annexure-7) as well as Policy of 2022 (Annexure-5) may kindly be ordered to be quashed and set aside; and
> (15) The respondents may kindly be directed to permit the petitioner Institution to participate in the JET-2026 counselling process to the B.Sc. for admission Agriculture course for the academic session to the counselling 2026-27, pursuant schedule and to consider allotment of eligible candidates against its sanctioned intake capacity of 60 seats, in accordance with law and subject to the final outcome of the present writ petition.; and

7. The ***SBCWP No.26071/2026*** has been filed with the following prayers:-

> (i) the order dated 10.10.2026 (Annexure-7) as well as Policy of 2022 (Annexure-5) may kindly be ordered to be quashed and set aside; and
> (ii) The respondents may kindly be directed to permit the petitioner institution to participate in the JET-2026 counselling process for admission to the B.Sc. Agriculture course for the academic session 2026-27, pursuant to the counselling notification/counselling schedule dated 12.10.2026 (Annex.9) issued by the Office of the JET Coordinator, Swami Keshwanandd Rajasthan Agricultural University, Bikaner, and, to consider allotment of eligible candidates against its sanctioned intake capacity of 60 seats, in accordance with law and subject to the final outcome of the present writ petition.; and

8. The ***SBCWP No.26279/2026*** has been filed with the following prayers:-

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> (i) the order dated 10.10.2026 (Annexure-7) as well as Policy of 2022 (Annexure-5) may kindly be ordered to be quashed and set aside; and
> (ii) The respondents may kindly be directed to permit the petitioner institution to participate in the JET-2026 counselling process for admission to the B.Sc. Agriculture course for the academic session to the counselling 2026-27, pursuant schedule issued by the Office of the JET Coordinator and to consider allotment of eligible candidates against its sanctioned intake capacity of 60 seats, in accordance with law and subject to the final outcome of the present writ petition.; and

9. The ***SBCWP No.26281/2026*** has been filed with the following prayers:-

> "(i) the order dated 10.10.2026 (Annexure-7) as well as Policy of 2022 (Annexure-5) may kindly be ordered to be quashed and set aside; and
> (ii) The respondents may kindly be directed to permit the petitioner institution to participate in the JET-2026 counselling process admission for to the B.Sc. Agriculture course for the academic session 2026-27, pursuant to the counselling notification dated 12.10.2026 issued by the Office of the JET Coordinator, Swami Keshwanandd Rajasthan Agricultural University, Bikaner, and to consider allotment of eligible candidates against its sanctioned intake capacity of 60 seats, in accordance with law and subject to the final outcome of the present writ petition.; and"

10. The ***SBCWP No.26282/2026*** has been filed with the following prayers:-

> "(i) the order dated 10.10.2026 (Annexure-7) as well as Policy of 2022 (Annexure-5) may kindly be ordered to be quashed and set aside; and
> (ii) The respondents may kindly be directed to permit the petitioner institution to participate in the JET-2026 counselling process for admission to the B.Sc. Agriculture course for the academic session 2026-27, pursuant to the counselling notification dated 12.10.2026 issued by the Office of the JET Coordinator, Swami Keshwanandd Rajasthan Agricultural to consider University, Bikaner, and allotment of eligible candidates against its sanctioned intake capacity of 60 seats, in accordance with law and subject to the final outcome of the present writ petition.; and"

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11. The present batch of writ petitions involves a common controversy concerning the refusal to extend or cancellation of the temporary No Objection Certificates (NOCs) granted to the petitioners - institutions for running the B.Sc. Agriculture course for the academic session 2026–27, on the ground that the institutions have not obtained accreditation from the Indian Council of Agricultural Research (ICAR). The petitioners are different agricultural colleges established and operated by their respective registered societies, trusts or educational bodies. The institutions were granted NOCs for conducting the B.Sc. Agriculture course, generally with an intake capacity of 60/120 students, during the academic sessions commencing in 2022–23, under the policy then prevailing. The State Government thereafter continued to grant or extend NOCs, and the concerned agricultural universities granted affiliations to the institutions for subsequent academic sessions, including 2025–26. Subsequently, the State Government introduced the Agriculture Policy of 2022, which, according to the petitioners, introduced or regulated the requirement of obtaining ICAR accreditation. The petitioners contend that the requirement of accreditation, as clarified through the subsequent guidelines and communications issued by the State Government, is to be fulfilled within a period of six years from the issuance of the first NOC. They further contend that the condition of accreditation was not prescribed under the policy governing the original grant of their NOCs and that the subsequent policy cannot be applied retrospectively to their prejudice. The petitioners' principal grievance is that, notwithstanding the continued grant of NOCs and university

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affiliations in the preceding academic sessions, the Commissioner, Agriculture Department, Rajasthan, passed orders dated 10.10.2026, as applicable to the respective institutions, declining continuation or extension of their temporary NOCs for the academic session 2026–27 on the ground of non-obtaining of ICAR accreditation. The petitioners contend that, even assuming the Policy of 2022 and the subsequent guidelines to be applicable to them, the stipulated period of six years from the date of their respective first NOCs had not expired on the dates of the impugned orders. They, therefore, allege that the action of the respondents is premature, arbitrary and contrary to the very policy and guidelines relied upon by the respondents. They also question the applicability and effect of the ICAR accreditation requirements and contend that the impugned orders have been passed without properly appreciating the distinction between accreditation, recognition and affiliation. The petitioners have further challenged the consequential prejudice arising from the notification dated 12.10.2026, issued by the Office of the JET Coordinator, Swami Keshwanandd Rajasthan Agricultural University, Bikaner, notifying the counselling process for admission to undergraduate courses, including B.Sc. Agriculture, for the academic session 2026–27. According to the petitioners, the counselling process commenced on 14.10.2026, and the impugned orders prevent their institutions from participating in the counselling process and admitting eligible students against their respective sanctioned intake capacities. On the aforesaid grounds, the petitioners have approached this Court under Article 226 of the Constitution of India, seeking, inter alia, quashing of

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the respective impugned orders and the relevant provisions of the Policy of 2022, insofar as challenged, together with consequential directions for consideration and extension of their temporary NOCs for the academic session 2026–27 and appropriate interim protection during the pendency of the writ petitions.

12. Learned counsel for the petitioners submits that the temporary NOCs granted to the petitioner-institutions had been extended from time to time, but the respondents have arbitrarily declined to extend the same for the academic session 2026–27, despite the fact that the period of six academic years prescribed for obtaining ICAR accreditation had not expired on the dates of the impugned orders and, therefore, the respondents could not insist upon compliance with the requirement of accreditation before expiry of the stipulated period. Learned counsel for the petitioners further submits that the Policy of 2022 cannot be applied retrospectively to the petitioners - Colleges as NOC was granted prior to the implementation of the said policy. He also submits that the State Government grants temporary NOC on annual basis after charging Rs.70,000/- as inspection fee and furthermore, the University grants affiliation only after taking an amount of more than Rs.20 to 22 lacs for the affiliation charges and the respondents cannot cancel the NOCs in such arbitrary manner after investing huge amount every year and after developing huge infrastructure.

13. In support of his contentions, counsel for the petitioners places reliance upon the order dated 04.05.2023 passed by the Coordinate Bench of this Court in the case of ***Animal Husbandry Mahavidhlaya v. State of Rajasthan & Ors. : SBCWP***

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No.5633 of 2023 as well as the order dated 28.11.2025 passed by the Hon'ble Division Bench in the case of ***State of Rajasthan & Anr. v. Maharaja Surajmal Agriculture College & Anr. : DBSAW No.273 of 2024***.

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14. Per contra, learned counsel for the respondents submits that the respondents have taken a decision for not extending the temporary NOC in favour of the petitioners for the academic session 2026-27, as the petitioners have failed to fulfill the mandatory conditions laid down in the Policy of 2022. He submits that the temporary NOCs issued for the academic sessions commencing from 2023–24 and continuing up to 2025–26 were subject to the express condition that the institutions would comply with the requirements of the said policy and, thus, the petitioners were well aware that they were under an obligation to fulfill all the mandatory requirements envisaged in the policy. Learned counsel for the respondents further submits that the petitioners-institutions failed to submit applications for ICAR accreditation and also failed to ensure appointment of teaching and non-teaching staff possessing the requisite qualifications in accordance with ICAR standards. He further submits that the deficiencies include non-compliance with Clause 8.2.1, requiring submission of an application for ICAR accreditation; Clause 8.2.2, requiring appointment of qualified teaching and non-teaching staff in accordance with ICAR standards; Clause 8.2.5, relating to payment of salaries through banking channels in accordance with the prescribed standards; Clause 8.2.6, relating to statutory deductions towards provident fund and employee insurance and maintenance of biometric attendance of staff; and Clause 8.2.9,

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requiring development, regular operation and updating of the institutional website and disclosure of complete particulars of students allotted through the State-level Joint Entrance Examination, as applicable to the respective institutions. It is, therefore, submitted that the impugned orders have been passed on the basis of specific deficiencies recorded upon examination of the relevant documents and are in accordance with the applicable policy. During the course of the arguments, learned counsel for the respondents submitted before the Court the affidavits that were furnished by the petitioners to the respondents indicating in it that they shall fulfill all the requirements mandated under the Policy of 2022 as soon as the policy came in force. Learned counsel for the respondents, thus, submits that the petitioners were well aware of the fact that they were required to comply with the requirements indicated in the policy of 2022 for which affidavits were submitted before the respondents and it was further indicated in the affidavit that in case of non-compliance, the respondents shall be free to initiate action against the petitioners. The said affidavits are taken on record.

15. Heard learned counsel for the parties and have perused the material available on record.

16. At this stage, it would be appropriate to notice the details regarding the grant of temporary No Objection Certificates (NOCs) in favour of the petitioners-institutions and the reasons for rejection of grant of NOCs. The relevant table is reproduced hereunder for ready reference:-

S.N.	WP No.	Institute	First NOC & Session	NOC & Session	On Reason	Rejection	Affidavit

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1.	26056/2026	SKD AGRICULTURE COLLEGE	24.8.23 (2022-2023)	4.11.25 (2025-26)	CLAUSE 8.2.1 8.2.2	10.10.26	12.8.23
2.	26067/2026	SHREE VINAYAK COLLEGE OF AGRICULTURE	1.8.22 (2022-2023)	4.11.25 (2025-26)	CLAUSE 8.2.1 8.2.2	10.10.26	14.8.23
3.	26070/2026	SHREE JITENDRA GODARAS SLBS KRISHI MAHAVIDHYALAYA	9.9.22 (2022-2023)	4.11.25 (2025-26)	CLAUSE 8.2.1 8.2.2	10.10.26	16.8.23
4.	26071/2026	SHREENATH JI COLLEGE OF AGRICULTURE	31.8.2022 (2022-2023)	4.11.25 (2025-26)	CLAUSE 8.2.1 8.2.2 8.2.9	10.10.26	14.8.23
5.	26279/2026	APEX INSTITUTE OF AGRICULTURE AND RESEARCH	23.8.23 (2022-2023)	4.11.25 (2025-26)	CLAUSE 8.2.1 8.2.2	10.10.26	17.8.23
6.	26281/2026	BRIGHT CAREER AGRICULTURE COLLEGE	1.8.22 (2022-2023)	4.11.25 (2025-26)	CLAUSE 8.2.1 8.2.2 8.2.5 8.2.6	10.10.26	14.8.23
7.	26282/2026	SORABH AGRICULTURE COLLEGE	1.8.22 (2022-2023)	4.11.25 (2025-26)	CLAUSE 8.2.1 8.2.2	10.10.26	---

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17. Before examining the rival submissions, it would also be appropriate to notice the relevant provisions laid under Clause 8 of the Agriculture Policy/Procedure dated 20.09.2022, which govern extension of temporary NOCs. The relevant provisions, as placed on record, read as follows:-

> "8. अस्थाई अनापत्ति प्रमाण पत्र में अभिवृद्धि :-
>
> 8.1 प्रथम बार जिन संस्थाओं को अस्थाई अनापत्ति प्रमाण पत्र जारी किया गया है: उन्हे नियमानुसार आवेदन करने पर निर्धारित प्रक्रिया अपनाते हुये आगामी चार वर्षों हेतु अस्थाई अनापत्ति प्रमाण पत्र में अंभिवृद्धि की जा सकेगी।
>
> 8.2 जिन संस्थाओं को अस्थाई अनापत्ति प्रमाण पत्र के चार वर्ष पूर्ण हो चुके है, उन संस्थाओं को आगामी अधिकतम दो वर्षों के लिए अस्थाई अनापत्ति प्रमाण पत्र में अभिवृद्धि निम्न मापदण्ड पूर्ण करने पर ही जारी की जा सकेंगीः
>
> 8.2.1 आई.सी.ए.आर. में एक्रीडेशन हेतु आवेदन किया गया हो।
>
> 8.2.2 आई.सी.ए.आर. के निर्धारित मापदण्डों के अनुरूप योग्य शैक्षणिक एवं गैर शैक्षणिक स्टॉफ की नियुक्ति कर ली गई है।

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8.2.3 शैक्षणिक व्यवस्था का सन्तोषप्रद संचालन किया जाना आवश्यक होगा।

8.2.4 महाविद्यालय के पास आई.सी.ए.आर. के निर्धारित मापदण्डानुसार भवन एवं आधारभूत ढांचागत संसाधन उपलब्ध हो।

8.2.5 महाविद्यालय के सम्पूर्ण स्टॉफ का वेतन भुगतान बैंक के माध्यम से किया जाना अनिवार्य होगा। स्टाफ को देय सभी भुगतान आई.सी.ए. आर./ यू.जी.सी./ राज्य सरकार के मापदण्डानुसार ही किया जायेगा।

8.2.6 महाविद्यालय के समस्त स्टॉफ की कर्मचारी भविष्य निधि (PF), कर्मचारी बीमा आदि की नियमानुसार सभी आवश्यक कटौतियां की जानी आवश्यक होगी। समस्त स्टाफ की बायोमेट्रिक उपस्थिति लिया जाना आवश्यक होगा।

8.2.7 छात्र/छात्राओं हेतु निर्धारित सुविधाऐं यथा छात्रावास, शौचालय, पुस्तकालय, खेल मैदान इत्यादि का मापदण्ड अनुसार नियमित संचालन करना होगा।

8.2.8 संस्था द्वारा निर्धारित राशि एवं अवधि की सावधि जमा करना आवश्यक होगा।

8.2.9 निजी कृषि महाविद्यालय को स्वयं की वेबसाईट विकसित कर इसका निरंतर संचालन एवं इसे अद्यतंन करना होगा। प्रति वर्ष राज्य स्तरीय संयुक्त प्रवेश परीक्षा के माध्यम से आंवटित समस्त छात्रों की पूर्ण सूचना प्रदर्शित करनी होगी।।

8.2.10 संबंधित विश्वविद्यालय द्वारा प्रदत्त सम्बद्धता का अद्यतन प्रमाण पत्र वांछित होगा।

8.2.11 संस्था द्वारा प्रतिवर्ष विद्यार्थियों को महाविद्यालय में प्रवेश केवल राज्य स्तरीय संयुक्त प्रवेश परीक्षा के माध्यम से ही दिया जाना आवश्यक होगा।

8.3 आयुक्त, कृषि विभाग के द्वारा निरीक्षण दल का गठन राज्य सरकार के पूर्व अनुमोदन से किया जायेगा। निरीक्षण दल की अभिशंषा के आधार पर अस्थाई अनापत्ति प्रमाण पत्र में अभिवृद्धि करने का राज्य सरकार के स्तर से निर्णय लिया जा सकेगा।

8.4 प्रथम अस्थाई अनापत्ति प्रमाण पत्र जारी होने के 06 शैक्षणिक वर्ष की अवधि में आई.सा.ए. आर. से मान्यता (Accreditation) प्राप्त करना आवश्यक होगा। जिन संस्थाओ द्वारा प्रथम अस्थाई अनापत्ति प्रमाण पत्र जारी होने के निर्धारित अधिकतम 06 शैक्षणिक वर्ष की अवधि में आई.सी.ए.आर. से मान्यता (Accreditation) प्राप्त नही की जाती है, ऐसी संस्थाओं द्वारा किसी भी स्थिति में प्रथम वर्ष में नये छात्रों को प्रवेश नही दिया जा सकेगा। साथ ही ऐसी संस्थाओं को केवल पूर्व में प्रवेश दिये गये छात्रों की डिग्री पूर्ण कराये जाने तक की अवधि हेतु ही अस्थाई अनापत्ति प्रमाण-पत्र ही जारी

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किया जायेगा। तत्पश्चात पूर्व में जारी अस्थाई अनापत्ति प्रमाण पत्र स्वतः ही समाप्त माना जावेगा।

8.5 जिन संस्थाओं को टी.एन.ओ.सी. के 04 वर्ष पूर्ण नहीं हुए है, उनको टी.एन.ओ. सी. में अभिवृद्धि हेतु भूमि के संपरिवतन एवं भवन निर्माण सम्बन्धी प्रावधानों की पालना हेतु आयामी 02 वर्ष का समय प्रदान किया जायेगा।"

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18. The impugned orders passed in respect of the petitioners-institutions record non-compliance with different conditions prescribed under Clause 8.2 of the aforesaid policy. For the sake of convenience, the relevant extracts from the impugned orders are noticed below, in the order of the nature of deficiencies recorded therein.

First category: Non-compliance with Clauses 8.2.1 and 8.2.2

The relevant extract from the order concerning S.K.D. Agriculture College, Hanumangarh, whose first temporary NOC is stated to have been issued for the academic session 2021–22, reads as follows:

"आदेश

उच्च शिक्षा ग्रुप-3 विभाग, जयपुर द्वारा 20.09.2022 को जारी नीति / प्रक्रिया 2022 के प्रावधानों में राज्य सरकार द्वारा शिथिलन प्रदान करते हुए निजी कृषि महाविद्यालयों को शैक्षणिक सत्र 2025-26 के लिये सशर्त अस्थाई अनापत्ति प्रमाण पत्र जारी किया गया था। उपलब्ध दस्तावेज के परीक्षण के आधार पर निम्नांकित निजी कृषि महाविद्यालय द्वारा नीति / प्रक्रिया 2022 के बिन्दु संख्या 8.2 के उपबिन्दु :-

8.2.1 आई.सी.ए.आर. में एक्रीडेशन हेतु आवेदन किया गया हो

8.2.2 आई.सी.ए.आर. के निर्धारित मापदण्डों के अनुरूप योग्य शैक्षणिक एवं गैर शैक्षणिक स्टॉफ की नियुक्ति कर ली गई है

उक्त बिन्दुओं की पालना नहीं की गयी है। अतः शैक्षणिक वर्ष 2026-27 में जेट परीक्षा के माध्यम से प्रथम वर्ष छात्रों/छात्राओं के प्रवेश दिये जाने हेतु अस्थाई अनापत्ति प्रमाण पत्र में। - अभिवृद्धि नहीं की जाती है। पूर्व शैक्षणिक वर्षों में प्रवेशित छात्रों/छात्राओं को नियमानुसार डिग्री। पूर्ण कराये जाने की अवधि हेतु इन निजी कृषि महाविद्यालयों को छूट प्रदान की जाती है।

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College Name	Trust & Society Name	प्रथम अस्थाई अनापत्ति प्रमाण पत्र जारी वर्ष
एस.के.डी. एग्रीकल्चर कॉलेज, चक 7 एसटीजी, ग्रा.प. डबलीवास कुतुब, जिला हनुमानगढ़।	गुरु गोविन्द सिंह चेरिटेबल ट्रस्ट, 7 एसटीजी, खेशहालनगर, सूरतगढ रोड टोल प्लाजा के पास डबली रातन, हनुमानगढ।	2021-22

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यह आदेश सक्षम स्तर से अनुमोदित है।"

Second category: Non-compliance with Clauses 8.2.1, 8.2.2, 8.2.5 and 8.2.6

The relevant extract from the order concerning Bright Career Agriculture College, Bhamatsar, Nokha, District Bikaner, reads as follows:

"आदेश

उच्च्च शिक्षा ग्रुप-3 विभाग, जयपुर द्वारा 20.09.2022 को जारी नीति / प्रक्रिया 2022 के प्रावधानो में राज्य सरकार द्वारा शिथिलन प्रदान करते हुए निजी कृषि महाविद्यालयों का शैक्षणिक सत्र 2025-26 के लिये सशर्त अस्थाई अनापत्ति प्रभाण पत्र जारी किया गया था। उपलब्ध दस्तावेज के परीक्षण के आधार पर निम्नांकित निजी कृषि महाविद्यालय द्वारा नीति / प्रक्रिया 2022 के बिन्दु संख्या 8.2 के उपबिन्दु :-

8.2.1 आई.सी.ए.आर. में एक्रीडेशन हेतु आवेदन किया गया हो

8.2.2 आई.सी.ए.आर. के निर्धारित मापदण्डों के अनुरूप योग्य शैक्षणिक एवं गैर शैक्षणिक स्टॉफ की नियुक्ति कर ली गई है

8.2.5 महाविद्यालय के सम्पूर्ण स्टॉफ का वेतन भुगतान बैंक के माध्यम से किया जाना अनिवार्य होगा। स्टाफ को देथ सभी भुगतान आई.सी.ए. आर. / यू.जी.सी. / राज्य सरकार के मापदण्डानुसार ही किया जायेगा।

8.2.6 महाविद्यालय के समस्त स्टॉफ की कर्मचारी भविष्य निधि (PF). कर्मचारी वीमा आदि की नियमानुसार सभी आवश्यक कटौतियां की जानी आवश्यक होगी। समस्त स्टाफ की बायोमेट्रिक उपस्थिति लिया जाना आवश्यक होगा।

उक्त बिन्दुओं की पालना नही की गयी है। अतः शैक्षणिक वर्ष 2026-27 में जेट परीक्षा के माध्यम से प्रथम वर्ष छात्रों/छात्राओं के प्रवेश दिये जाने हेतु अस्थाई अनापत्ति प्रमाण पत्र में अभिवृद्धि नहीं की जाती है। पूर्व शैक्षणिक वर्षों में प्रवेशित छात्रों/छात्राओं को नियमानुसार डिग्री पूर्ण

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कराये जाने की अवधि हेतु इन निजी कृषि महाविद्यालयों को छूट प्रदान की जाती है।

College Name	Trust & Society Name	प्रथम अस्थाई अनापत्ति प्रमाण पत्र जारी वर्ष
वाईट केरियर एग्रीकल्चर कॉलेज, एनएच 89, भामटसर, नोखा जिला बीकानेर।	मरूधरा मेडिकल एण्ड एज्यूकेशन सोसायटी, वार्ड नं. 18 पुलिस थाने के पीछे, गंगाशहर, बीकानेर।	2022-23

यह आदेश सक्षम स्तर से अनुमोदित है।"

Third category: Non-compliance with Clauses 8.2.1, 8.2.2 and 8.2.9

The relevant extract from the order concerning Shrinathji Agriculture College, Upli Odan, District Rajsamand, reads as follows:

"आदेश

उच्च शिक्षा ग्रुप-3 विभाग, जयपुर द्वारा 20.09.2022 को जारी नीति / प्रक्रिया 2022 क प्रावधानों में राज्य सरकार द्वारा शिथिलन प्रदान करते हुए निजी कृषि महाविद्यालयों को शैक्षणिक सत्र 2025-26 के लिये सशर्त अस्थाई अनापत्ति प्रमाण पत्र जारी किया गया था। उपलब्ध दस्तावेज के परीक्षण के आधार पर निम्नांकित निजी कृषि महाविद्यालय, द्वारा नीति / प्रक्रिया 2022 के बिन्दु संख्या 8.2 के उपबिन्दु :-

8.2.1 आई.सी.ए.आर. में एक्रीडेशन हेतु आवेदन किया गया हो

8.2.2 आई.सी.ए.आर. के निर्धारित मापदण्डों के अनुरूप योग्य शैक्षणिक एवं गैर शैक्षणिक स्टॉफ की नियुक्ति कर ली गई है

8.2.9 निजी कृषि महाविद्यालय को स्वयं की वेबसाईट विकसित कर इसका निरंतर संचालन एवं इसे अद्यतन करना होगा। प्रति वर्ष राज्य स्तरीय संयुक्त प्रवेश परीक्षा के माध्यम से आंवटित समस्त छात्रों की पूर्ण सूचना प्रदर्शित करनी होगी।

उक्त बिन्दुओं की पालना नही की गयी है। अतः शैक्षणिक वर्ष 2026-27 में जेट परीक्षा के माध्यम से प्रथम वर्ष छात्रों/छात्राओं के प्रवेश दिये जाने हेतु अस्थाई अनापत्ति प्रमाण पत्र में अभिवृद्धि नहीं की जाती है। पूर्व शैक्षणिक वर्षों में प्रवेशित छात्रों/छात्राओं को नियमानुसार डिग्री पूर्ण कराये जाने की अवधि हेतु इन निजी कृषि महाविद्यालयों को छूट प्रदान की जाती है।

College Name	Trust & Society	प्रथम अस्थाई

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	Name	अनापत्ति प्रमाण पत्र जारी वर्ष
श्रीनाथ जी कृषि महाविद्यालय, उपली ओडन, राजसमन्द । नाथद्वारा,	श्रीनाथ सोसायटी फॉर हायर एज्यूकेशन जयपुर।	2022-23

यह आदेश सक्षम स्तर से अनुमोदित है।"

19. As per clause 8.2 of the Policy the Institutions that have completed four years under a Temporary No Objection Certificate (NOC) may be granted an extension of the Temporary NOC for a further period of up to a maximum of two years, subject to fulfillment of the criteria laid down which are as follows: 8.2.1 An application for accreditation with the Indian Council of Agricultural Research (ICAR) must have been submitted, 8.2.2 Qualified teaching and non-teaching staff, in accordance with the standards prescribed by ICAR, must have been appointed, 8.2.3 The academic activities of the college must be conducted satisfactorily, 8.2.4 The college must possess buildings and infrastructural facilities in accordance with the standards prescribed by ICAR, 8.2.5 Salaries of the entire staff of the college must mandatorily be paid through banking channels. All payments due to the staff must be made in accordance with the standards prescribed by ICAR, the University Grants Commission (UGC), and the State Government, 8.2.6 All statutory deductions, including those towards the Employees' Provident Fund (PF) and employee insurance, must be made in respect of the entire staff in accordance with the applicable rules. Biometric attendance of all staff members must also be maintained, 8.2.7 The facilities prescribed for students, such as hostels, toilets, libraries, playgrounds, etc., must be operated and maintained regularly in

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accordance with the prescribed standards, 8.2.8 The institution must make a fixed deposit of the prescribed amount for the prescribed period, 8.2.9 The private agricultural college must develop its own website, ensure its continuous operation, and keep it updated. Complete information regarding all students allotted to the college each year through the State-Level Joint Entrance Examination must be displayed on the website, 8.2.10 An updated affiliation certificate issued by the concerned university must be furnished and 8.2.11 The institution must admit students to the college every year exclusively through the State-Level Joint Entrance Examination.

20. The petitioners have primarily placed reliance upon Clause 8.4 to contend that they are entitled to a period of six academic years from the date of issuance of their respective first temporary No Objection Certificates (NOCs) for obtaining accreditation from the Indian Council of Agricultural Research (ICAR). However, such a contention fails to take into account the independent and mandatory requirements stipulated under Clauses 8.2.1, 8.2.2, 8.2.5, 8.2.6 and 8.2.9, which govern the eligibility of an institution for extension of a temporary NOC upon completion of four years. The deficiencies identified by the respondents under these clauses relate to distinct statutory and regulatory requirements and are not contingent upon the period prescribed under Clause 8.4. Consequently, compliance with Clause 8.4, by itself, cannot dispense with the obligation to fulfill the conditions independently prescribed under the aforesaid clauses.

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21. Clause 8.2.1 mandates that the institution must have applied for accreditation with ICAR. Clause 8.2.2 requires the appointment of qualified teaching and non-teaching staff in accordance with the standards prescribed by ICAR. Clause 8.2.5 stipulates that the salaries of the entire staff must be paid through banking channels and that all payments due to them must conform to the standards prescribed by ICAR, the University Grants Commission (UGC) and the State Government. Further, Clause 8.2.6 mandates compliance with the applicable rules concerning statutory deductions, including those relating to the Employees' Provident Fund (PF) and employee insurance, besides requiring the maintenance of biometric attendance records for all staff members. Clause 8.2.9, in turn, requires every private agricultural college to establish and continuously maintain an updated website, displaying complete information regarding all students allotted to it each year through the State-Level Joint Entrance Examination.

22. A conjoint reading of these provisions makes it evident that the extension of a temporary NOC is subject to the fulfillment of the prescribed conditions and is not an automatic consequence of the passage of time. Clause 8.4, even if construed as prescribing a period of six academic years for obtaining ICAR accreditation, cannot be interpreted in isolation so as to render the independent requirements under Clauses 8.2.1, 8.2.2, 8.2.5, 8.2.6 and 8.2.9 redundant or inoperative. The two sets of provisions must be read harmoniously, giving effect to both the period contemplated for

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obtaining accreditation and the conditions governing the extension of a temporary NOC.

23. Accordingly, the petitioners cannot claim an unconditional or indefeasible right to an extension of their temporary NOCs merely on the ground that the period contemplated under Clause 8.4 has not yet expired. Their entitlement to such extension must be determined in accordance with the applicable scheme, including compliance with the mandatory conditions prescribed under Clause 8.2. The mere availability of time to obtain ICAR accreditation does not, in itself, exempt an institution from satisfying the independent requirements governing the extension of its temporary NOC.

24. The contention advanced on behalf of the petitioners that the Policy of 2022 cannot be applied retrospectively does not, by itself, warrant acceptance of their claim. Clause 35 of the said Policy expressly stipulates that it came into force with effect from 22.09.2022. The question, therefore, is not merely whether the Policy can be applied retrospectively, but whether the requirements sought to be enforced against the petitioners operate prospectively in respect of the extension of temporary NOCs and whether such requirements were applicable to them under the governing regulatory framework. Clause 35 of the Policy of 2022 is reproduced as under:-

> "35. यह नीति /प्रक्रिया तत्काल प्रभाव से लागू होगी। पूर्व में संचालित निजी कृषि महाविद्यालयों द्वारा वांछित टीएनओसी / पीएनओसी/सीट अभिवृद्धि संबधी आवेदन करने पर भी इस नीति / प्रक्रिया के प्रावधान लागू होंगे।"

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25. The material placed on record indicates that, even after the Policy of 2022 came into force, temporary NOCs were extended subject to fulfillment of the conditions and compliance with the requirements prescribed thereunder. The petitioners have not been able to demonstrate, on the basis of the material presently available on record, any circumstance that prevented them from complying with the applicable requirements of the Policy. In the absence of such material, a general plea against the retrospective application of the Policy cannot, by itself, absolve the petitioners of their obligation to satisfy the conditions governing the extension of their temporary NOCs. It is also significant to note that the petitioners did not raise any objection to the conditions incorporated in the temporary NOCs issued after the Policy of 2022 came into force, which expressly required them to comply with the requirements stipulated therein. Rather, they accepted the NOCs subject to the aforesaid conditions and chose not to question their applicability at the relevant time. Their subsequent challenge to the very requirements to which they had acquiesced is, therefore, a relevant circumstance that must be considered while examining the merits of their claim. The petitioners cannot be permitted to disregard the conditions attached to the temporary NOCs merely because compliance with those conditions has subsequently become inconvenient or onerous. Such conduct attracts the principle of acquiescence and the doctrine of approbation and reprobation, insofar as the petitioners accepted the benefit of the NOCs without contemporaneously objecting to the conditions governing their grant.

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26. It is also significant that, after the Policy of 2022 came into force, the petitioners submitted affidavits before the respondents undertaking to comply with the requirements stipulated therein and expressly acknowledging that, in the event of non-compliance, the respondents would be at liberty to cancel their NOCs or take such other appropriate action as may be permissible in law. These undertakings constitute a relevant circumstance in determining the petitioners' subsequent challenge to the applicability of the Policy. Having furnished such undertakings and sought the benefit of the regulatory arrangement subject to the stipulated conditions, the petitioners cannot, without establishing a legally sustainable ground, approbate and reprobate by accepting the benefit of the arrangement while repudiating the corresponding obligations. Nevertheless, the petitioners' undertakings cannot, by themselves, validate a provision that is otherwise ultra vires or confer upon the respondents a power not authorised by law. The validity and applicability of the Policy must ultimately be determined in accordance with the governing statutory and regulatory framework. However, in the absence of a demonstrated legal infirmity in the prospective application of the relevant conditions, the petitioners cannot rely solely upon the plea of retrospectivity to avoid compliance with obligations expressly undertaken by them.

27. Accordingly, the plea that the Policy of 2022 is being applied retrospectively does not, on the material presently available, furnish an independent ground for granting the relief sought by the petitioners. The applicability of the relevant conditions must

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be assessed with reference to the date on which the Policy came into force, the nature of the requirements sought to be enforced, the terms governing the extension of the temporary NOCs, and the undertakings furnished by the petitioners.

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28. The affidavits so submitted by the petitioners are more or so similar format. Thus, one such affidavit furnished by the petitioner - S.K.D. Agriculture College (S.B. Civil Writ Petition No. 26056/2026), is reproduced hereunder for ready reference:-

"नीति/प्रकिया की पालना संम्बधित घोषणा

मैं बाबूलाल जुनेजा पुत्र श्री खुशालदास जुनेजा अध्यक्ष गुरु गोविंद सिंह चैरिटेबल ट्रस्ट हनुमानगढ़ शपथ पूर्वक घोषणा करता हूँ कि हमारी संस्था द्वारा संचालित एस के डी कृषि महाविद्यालय, चक 7 STG डबली बास कुतुब हनुमानगढ़ का संचालन शासन सचिव, उच्च शिक्षा (ग्रुप-३) विभाग राजस्थान सरकार के अशा.टीप. कमांक प.6 (21) शिक्षा/ग्रुप-3/2021 जयपुर दिनांक 20.09.2022 के द्वारा गैर सरकारी क्षेत्र में नवीन कृषि महाविद्यालय खोलने हेतु नीति/प्रक्रिया के समस्त प्रावधानों के अनुरूप पालुना करूगा, साथ ही राज्य सरकार द्वारा यदि भविष्य में महाविद्यालय संचालन हेतु किसी भी प्रकार के निर्देश जारी किये जाते है तो उनकी अक्षरशः पालना की जावेगी। नई नीति/प्रक्रिया 2022 के जिन बिन्दुओं की पालना प्रक्रियाधीन होने के कारण अभी तक पूर्ण नहीं की गई है, उन्हे शैक्षणिक सत्र 2023-24 मैं पूर्ण कर संस्था का भौतिक सत्यापन कमेटी के सक्षम सत्यापन के दौरान अवगत करा दूँगा। संस्था द्वारा नई नीति/प्रक्रिया के क्रियान्वयन के विरूद्ध न्यायालय में प्रस्तुत वाद यदि कोई हो तो उन्हे उक्त अवधि में वापिस कर लिए जावेंगे ।

मैं शपथपूर्वक यह घोषणा करता हु कि हमारी संस्था द्वारा यदि महाविद्यालय संचालन में राजकीय निर्देशों तथा नई नीति प्रक्रिया 2022 के उक्तानुसार पालना की अवहेलना की जाती है तो राज्य सरकार महाविद्यालय को जारी अस्थाई अनापत्ति प्रमाण पत्र को निरस्त करने/संस्था के विरूद्ध नीति / प्रक्रिया 2022 के तहत् कोई भी कार्यवाही करने को स्वतंत्र होगी।

मैं बाबूलाल जुनेजा पुत्र श्री खुशालदास जुनेजा अध्यक्ष गुरु गोविंद सिंह चैरिटेबल ट्रस्ट हनुमानगढ़ घोषणा करता हूँ कि उपरोक्त सभी तथ्य मेरी जानकारी एवं विश्वास के अनुसार ही हैं तथा मैंने कोई भी तथ्य जानबूझ कर नहीं छिपाया है। यदि उपरोक्त तथ्य गलत एवं

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असत्य पाये जाते है, तो इसके लिए मैं मेरी संस्था स्वयं जिम्मेदार होगी। "

29. The petitioners' challenge, therefore, cannot succeed merely by referring to the six-year period prescribed for obtaining accreditation, without satisfactorily addressing the distinct deficiencies i.e. Clause 8.2.1, 8.2.2, 8.2.5, 8.2.6 & 8.2.9 recorded in the respective impugned orders. The requirements under Clause 8.2 cannot be treated as redundant merely because the policy provides a separate period under Clause 8.4 for obtaining accreditation.

30. This Court is conscious of the fact that the impugned orders have consequences for the petitioner-institutions and for students seeking admission to the B.Sc. Agriculture course for the academic session 2026–27, however, it is imperative to emphasize that the standards and quality of education cannot be compromised or diluted in the interest of any individual institution. Educational institutions imparting professional education are under an obligation to maintain the prescribed academic standards, ensure the availability of qualified teaching and non-teaching staff, provide adequate infrastructural facilities, and adhere to the applicable regulatory requirements. These conditions are not mere procedural formalities but are essential safeguards designed to ensure that students receive education of the requisite quality and that the integrity of the educational system is preserved. The regulatory framework governing such institutions must, therefore, be construed and implemented in a manner that advances the object of maintaining academic excellence and institutional accountability. No institution can claim

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an entitlement to continue its operations or secure an extension of its temporary NOC at the cost of the prescribed standards of education. The interest of the students and the larger public interest in maintaining the quality of professional education must remain paramount, and institutions seeking regulatory approval or extension are consequently required to demonstrate compliance with the applicable standards and conditions. The urgency arising from the counselling schedule cannot, by itself, justify directing the respondents to permit participation in the counselling process where the institutions have miserably failed to establish a prima facie entitlement for extension of the temporary NOCs in their favour as there is a blatant violation of the conditions laid down in the policy of 2022.

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31. This Court takes into consideration the judgment rendered by the Hon'ble Supreme Court in ***Unni Krishnan, J.P. and others etc. etc. V. State of Andhra Pradesh and Others etc. etc. [(1993) 1 SCC 645],*** wherein it has been held that the right to establish an educational institution does not, by itself, confer a right to recognition or affiliation. The grant of recognition or affiliation is neither automatic nor a mere formality, but is required to be considered with due care and strictly in accordance with the conditions prescribed by the applicable statutory framework. The Hon'ble Supreme Court has further emphasised that such conditions, as well as the directions governing the admission process, must be construed and applied stricto sensu. Applying the aforesaid principle to the facts of the present cases, the petitioners cannot claim an indefeasible right to continuation

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or extension of their temporary NOCs, or to participation in the counselling process for the academic session 2026–27, merely on the strength of the temporary NOCs granted to them in earlier academic sessions. Their entitlement is necessarily subject to fulfillment of the applicable conditions prescribed under the governing policy. Where non-compliance with such conditions has been recorded by the competent authority, the same cannot be overlooked merely to facilitate participation in the ongoing admission process, particularly when the standards prescribed are intended to ensure the requisite academic infrastructure, qualified faculty and proper functioning of educational institutions. The principle laid down by the Hon'ble Supreme Court, therefore, reinforces the requirement of adherence to the prescribed conditions and does not warrant issuance of a direction for extension of the temporary NOCs in disregard thereof. The relevant extract of ***Unni Krishnan, J.P. and Others v. State of Andhra Pradesh and Others, (1993) 1 SCC 645,*** reads as under: -

> *"69.We must, however, make it clear, and which is of crucial importance herein, that the right to establish an educational institution does not carry with it the right to recognition or the right to affiliation. In St. Xaviers College v. Gujarat, [1975] 1 S.C.R. 173 it has been held uniformly by all the nine learned Judges that there is no fundamental right to affiliation. Ray, C.J., stated that this has been "the consistent view of this court." They also recognised that recognition or affiliation is essential for a meaningful exercise of the right to establish and administer educational institutions. Recognition may be granted either by the Government or any other authority or body empowered to accord recognition. Similarly, affiliation may be granted either by the University or any other academic or other body empowered to grant affiliation to other educational institutions. In other words, it is open to a person to establish an educational institution, admit students,*

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impart education, conduct examination and award certificates to them. But he,or the educational institution has no right to insist that the certificates or degree (if they can be called as such) awarded by such institution should be recognised by the State much less have they the right to say that the students trained by the institution should be admitted to examinations conducted by the University or by the Government or any other authority, as the case may be. The institution has to seek such recognition or affiliation from the appropriate agency. Grant of recognition and/or affiliation is not a matter of course nor is it a formality. Admission to the privileges of a University is a power to be exercised with great care, keeping in view the interest of the general public and the nation. it is a matter of substantial significance the very life-blood of a private educational institution. Ordinarily speaking, no educational institution can run or survive unless it is recognised by the Government or the appropriate authority and/or is affiliated to one or the other Universities in the country. Unless it is recognised and/or affiliated as stated above, it's certificates will be of no use. No one would join such educational institution. As a matter of fact, by virtue of the provisions of the U.G.C. Act, noticed hereinabove, no educational institution in this country except a University is entitled to award degrees. It is for this reason that all the private educational institutions seek recognition and/or affiliation with a view to enable them to send the students trained by them to appear at the examinations conducted by the Government/University. The idea is that if such students pass the said examination, the Government/University will award its degree/diploma/cer- tificate to them. These educational institutions follow the syllabus prescribed by the Government/University, have the same courses of study, follow the same method of teaching and training. They do not award their own degrees/qualifications. They prepare their students for University/Government examinations, request the University/Government to permit them to appear at the examinations conducted by them and to award the appropriate degrees to them'. Clearly and indubitably, the recongnised/affiliated private educational institutions, supplement the function performed by the institutions of the State. Theirs is not an independent activity but one closely allied to and supplemental to the activity of the State. In the above circumstances, it is idle to contend that imparting of education is a business like any other business or that it is an activity akin to any other activity like building of roads, bridges etc. In short the position is this. No educational

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institution except an University can award degrees (Sections 22 and 23 of the U.G.C. Act). The private educational institutions cannot award their own degrees. Even if they award any certificates or other testimonials they have no practical value inasmuch as they are not good for obtaining any employment under the State or for admission into higher courses of study. The private educational institutions merely supplement the effort of the State in educating the people, as explained above. It is not an independent activity. It is an activity supplemental to the principal activity carried on by the State. No private education institution can survive or subsist without recognition and/or affiliation. The bodies which grant recognition and/or affiliation are the authorities of the State. In such a situation, it is obligatory in the interest of general public upon the authority granting recognition or affiliation to insist upon such conditions as are appropriate to ensure not only education of requisite standard but also fairness and equal treatment in the matter of admission of students. Since the recognising/affiliating authority is the 'State' it is under an obligation to impose such conditions as part of its duty enjoined upon it by Article 14 of the Constitution. It cannot allow itself or its power and privilege to be used unfairly. The incidents attaching to the main activity attach to supplemental activity as well. Affiliation/recognition is not there for anybody to get it gratis or unconditionally. In our opinion, no Government, authority or University is justified or is entitled to grant recognition/affiliation without imposing such conditions. Doing so would amount to abdicating its obligations enjoined upon it by Part III; its activity is bound to be characterised as unconstitutional and illegal. To reiterate,, what applies to the man activity applies equally to supplemental activity. The State cannot claim immunity from the obligations arising from Articles 14 and 15. If so, it cannot confer such immunity upon its affiliates. Accordingly, we have evolved with the help of the counsel appearing before us and keeping in view the positive features of the several Central and State enactments refeffred to hereinbefore the following scheme which every authority granting recognition/affiliation shall impose upon the institutions seeking such recognition/affiliation."

32. In view of the foregoing discussion, this Court finds that the petitioner-institutions were required to comply with the conditions prescribed under the Policy/Procedure, 2022, and the conditions

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incorporated in the subsequent temporary NOCs. The petitioners have failed to establish that the impugned orders declining extension of their temporary NOCs for the academic session 2026–27 warrant interference in the exercise of writ jurisdiction under Article 226 of the Constitution of India.

33. Consequently, the writ petitions are dismissed. No order as to costs.

(DR. NUPUR BHATI),J

Crt_10 (1838)
D-A/10-18 (Except 14 & 16)
Pradeep Kumar Limba

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