

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

D.B. Spl. Appl. Writ No. 1222/2025

Dr. Dayal Institute Of Paramedical Technology, 43-44, Vijayapura,
Post - Jamroli, Jaipur, Through Its Managing Trustee, Dr.
Rameshwar Dayal Sharma S/o Shri Krishna Gopal Sharma, Ge
68 Years, R/o Plot N. B-137, Sethi Colony, Jaipur.

----Appellant

Versus

1. The State Of Rajasthan, Through Its Secretary, Medical And Health Department Government Of Rajasthan, Secretariat, Jaipur.
2. Rajasthan State Allied And Health Care Council, Jaipur, Through Its Secretary, C-7, Sultan House, 2 And 3 Floor, Above Canera Bank, Sawai Jai Singh Highway Bani Park, Jaipur.
3. National Commission For Allied And Healthcare Professions, Through Its Chairperson, 2Nd Floor, Academic Block, Nihfw Campus, Baba Gangnath Marg, Munirka, New Delhi.
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

For Appellant(s) : Mr. Shreyansh Mardia.
Mr. Shambhavi Bhansali Mardia.
For Respondent(s) : Mr. Bhavit Sharma.
Mr. Nimesh Suthar.

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE BIPIN GUPTA**

Order

18/09/2025

1. The appellant is a Paramedical College conducting 'DMLT Course' and wants to introduce more courses of Diploma in



Radiation Technology ("DRT"), Diploma in Electrocardiography Technology ("DECGT") and Diploma in Operation Theater Technology ("DOTT"). For the said purpose, an inspection was carried out on 21.08.2024 and no deficiencies were pointed out.

After the inspection happened, the appellant was given a letter dated 09.12.2024 whereby the respondents took a stand that National Commission for Allied and Healthcare Professions Act, 2021 (hereinafter referred to "the Act of 2021") has come into effect from 25.05.2021 and the Central Government under Section 3 of the Act of 2021 has constituted the National Commission for Allied and Healthcare Professions vide notification dated 11.03.2024 wherein the regulations were required to be framed for the purpose of conducting such courses.

2. It was also informed that the Commission had examined the matter at length and had come out with a direction that proposal for increasing intake capacity as well as proposal for additional courses from an existing Allied and Health Care Institutes was not allowed till the required regulations are framed. It is not in dispute that required regulations are still not framed. Learned counsel for the appellant tried to impress this Court that the retrospectivity of the law ought not to damage the prospect of the appellant to run the new courses. He has further drawn the attention of this Court to Section 6 of the General Clauses Act, 1897 for the purpose of interpreting the retrospective protection to the appellant in light of the new law.

3. Learned counsel for the appellant also submits that once the inspection was in place the previous exercise ought to have been protected.





4. Learned counsel for the respondents, however, submits that the law is very clear that as the new act is in place and even the regulation is also not there, therefore, there is no reason for which interference is called for in the Learned Single Judge's order by this Court.

5. In view of the aforesaid submissions, this Court is convinced by the order passed by the learned Single Judge while considering the factual matrix that when once the new Act of 2021 is in place and it prohibits that until the regulations are framed the new courses cannot be started, the same has to be adhered to. Any kind of retrospective protection in light of the Act of 2021 cannot be permissible. Looking into the sensitivity of the courses, any leniency or sympathy would be misplaced. However, it is pertinent to note that the respondents shall frame the regulations expeditiously.

6. For the aforesaid reasons, this Court finds that no interference is called for in the order passed by the learned Single Judge in judgment dated 03.09.2025 and, therefore, the present special appeal stands dismissed.

7. All the pending applications stand disposed of.

(BIPIN GUPTA),J

(DR.PUSHPENDRA SINGH BHATI),J

86-sumer/-

