

HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16392/2024

Nisha Meena W/o Late Shri Lokesh Kumar Meena, Aged About 25 Years, R/o Jaoti Kalan, Raethal, Naya Gaon, Bundi, Rajasthan. 323803

----Petitioner



- 1. State Of Rajasthan, Through Principal Secretary, Directorate Of Economics And Statistics, Yojana Bhawan, C Scheme, Ashok Nagar, Jaipur, Rajasthan 302007.
- 2. Additional Chief Registrar (Birth And Death), Yojana Bhawan, C Scheme, Ashok Nagar, Jaipur, Rajasthan 302007.
- 3. District Collector, Bundi, Rajasthan.
- 4. Nagar Parishad, Bundi, Rajasthan Through Its Registrar (Marriage And Birth/death Registration Officer), Nagar Parishad, Bundi, Rajasthan.
- 5. Development Officer, Pachayat Samiti Bundi, District Bundi, Rajasthan.
- 6. Vardhman Mahaveer Open University, Through Coordinator, Pre. Diploma In Elementary Education-2024, 3, Jawahar Lal Nehru Marg, Jhalana Doongri, Jaipur, Rajasthan-302004.
- 7. Prashanti College Of Education For Women, Plot No. 1, Mahaveer Nagar-Ii, Kota, Rajasthan Through Principal.
- 8. Khushbu Meena, Through Shri Kalyan Lal C/o Shri Kalyan Lal S/o Shri Deva Lal, Village Javati Kala, Tehsil And District Bundi, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Rishiraj Maheshwari for

Mr. Himanshu Jain

For Respondent(s) : Ms. Kapil Prakash Mathur, AAG with

Mr. Sumit Purohit Ms. Anita Agarwal with Mr. Laxmi Kant and Mr. Vibhanshu Sharma





JUSTICE ANOOP KUMAR DHAND

Order

14/08/2025

- 1. The instant writ petition has been preferred with the following prayer:
 - "i. By issuing an appropriate writ, order or direction, the Respondents may be restrained from cancelling the admission of Petitioner in the course of Diploma in Elementary Education, 2024, in the Respondent College, under ST (Widow) category.
 - ii. By issuing an appropriate writ, order or direction, the Respondents may be directed to comply with the order dated 12.09.2024 and 27.09.2024 and accordingly Respondents may be directed to issue death certificate, while reflecting the name of Petitioner as the wife of Late Shri Lokesh Kumar Meena. iii. That any other order or direction as this Hon'ble High Court may deem fair, just and proper in the facts and circumstances of the case may be passed in favour of the Petitioner."
- 2. By way of filing this writ petition a prayer has been made for restraining the respondents from cancelling the admission of the petitioner in the Diploma Course in Elementary Education under ST (Widow) Category and further prayer has been sought against the respondents to issue death certificate of her husband reflecting herself as the wife of late Lokesh Kumar Meena.
- 3. Learned counsel for the petitioner submits that the petitioner being widow of one Lokesh Kumar Meena submitted



an application for getting admission in the Diploma Course in Elementary Education under ST (Widow) Category. Counsel submits that the admission was granted, but the respondents were bent upon to cancel her admission, hence, under these circumstances, she approached this Court by way of filing the instant writ petition, wherein this Court passed an interim order on 21.10.2024 and allowed the petitioner to continue her studies in the aforesaid course and the respondents were directed not to cancel the admission of the petitioner. Counsel submits that pursuant to the aforesaid order passed by this Court, the petitioner has completed her studies of the aforesaid Diploma Course and submitted the examination form to appear in the aforesaid examination well within time. Counsel submits that the examinations of the aforesaid Diploma are going to commence from 18.08.2025, but the respondents have not issued the admit card to the petitioner to appear in the aforesaid examination, hence, appropriate directions be issued to the respondents to issue admit card and allow the petitioner to appear in the aforesaid examination.

4. Per contra, learned counsel appearing on behalf of respondent No.8 opposed the arguments raised by counsel for the petitioner and submitted that a social divorce has taken place between the petitioner and her erstwhile husband on 08.03.2021 and a document in this regard was also executed. Counsel submits that this fact has been admitted by the petitioner in a divorce petition submitted by herself before the

Family Court, Bundi on 10.08.2023. Counsel submits that

during pendency of the aforesaid divorce petition, Lokesh



Kumar Meena solemnized marriage with the respondent No.8 on 24.05.2023 and out from that wedlock, a child was born. Counsel submits that in the meantime, the said Lokesh Kumar Meena has passed away on 02.05.2024, now the respondent No.8 is the widow of the deceased, while the petitioner being a divorced wife of the deceased is claiming herself as widow of the deceased. Counsel submits that under circumstances, the petitioner is not entitled to claim the benefit as the widow of the deceased Lokesh Kumar Meena, but hiding these facts, she took admission in the aforesaid course. Counsel submits that in case, the prayer, as sought for in the instant petition, is granted in favour of the petitioner, much complications would arise with regard to the status of the respondent No.8, hence, the petition is liable to be

5. Learned Additional Advocate General submits that a departmental report was prepared by the concerned officials and these facts were verified as narrated by counsel for the respondent No.8. Counsel submits that under these circumstances, the petitioner is not entitled to get relief as sought for in the instant petition.

rejected.

- 6. Counsel appearing for the University has adopted the arguments raised by the State counsel.
- 7. Heard and considered the submissions made at the Bar and perused the material available on record.



8. Disputed question of fact has been raised in the instant petition about the status of the petitioner 'whether the petitioner is widow of the deceased or divorced wife of the deceased Lokesh Kumar Meena or not, as various versions and cross-versions have been made by the petitioner and the respondent No.8 about their marital status. This disputed question of fact cannot be adjudicated by this Court under its inherent jurisdiction contained under Article 226 of the Constitution of India. It is for the petitioner and the respondent No.8 to approach the appropriate forum of law for declaration of their status. But looking to the fact that by way of passing an interim order dated 21.10.2024 passed by this Court, the petitioner was permitted to undergo her studies of Diploma Course in Elementary Education and she has completed the same, now, at the verge of completion of the aforesaid course, she cannot be deprived from the benefit of studies, which she has underwent under the protection of the interim order passed by this Court.

- 9. Under these peculiar circumstances, the respondents are directed to allow the petitioner to appear in the examination for which the petitioner has underwent studies.
- 10. Accordingly, the instant writ petition stands allowed for the aforesaid purpose only.
- 11. Before parting with this order, it is made clear that on the basis of the order passed by this Court, the petitioner would not claim any benefit of being widow of the deceased Lokesh Kumar Meena anywhere. Both parties would be at





liberty to approach the appropriate Court of law with regard to declaration of their status.

12. The stay application and all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J

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