

Laxman Ram Devpal Vs. State of Raj. and ors

Laxman Ram Devpal Vs. State of Raj. and ors

SooperKanoon Citation : sooperkanoon.com/1023554

Court : Rajasthan Jodhpur

Decided On : Aug-26-2013

Appellant : Laxman Ram Devpal

Respondent : State of Raj. and ors

Judgement :

1 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
:ORDER: D.B. CIVIL WRIT PETITION NO.2377/2013 Laxman Ram Devpal Vs.
The State of Raj. & Ors. Date of Order ::

26. h August, 2013 PRESENT HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN HON'BLE MR. JUSTICE ARUN BHANSALI Mr. Suresh Bhati, for the petitioner. Mr. G.R. Punia, AAG Senior Advocate assisted by Mr. Mahendra Choudhary, for the State. ---- BY THE COURT: This writ petition has been filed by the petitioner seeking to question the validity of Rule 265 of the Rajasthan Panchayati Raj Rules, 1996 ('the Rules'), which provides for cut-off date as on 1st day of January following the last date fixed for receipt of applications regarding age of the candidate. It is submitted by learned counsel for the petitioner that fixing a cut-off date for determining the maximum age with reference to the 1st January following the year, in which, the applications were invited, is per se arbitrary as the petitioner is within age limit on the last date of filing the application form and he would be deprived of applying for the post of Teacher on account of an arbitrary provision in the Rules. Having heard learned counsel for the petitioner, we are of the opinion that the petition deserves to be dismissed. The challenge to cut-off

date for the purpose of 2 determining the maximum age with reference to 1st day of January next following the last date fixed for receipt of applications is no more res integra, inasmuch as, the validity of said provision already stands upheld by this Court in Surinder Singh v. State of Rajasthan : (1995) 1 RLW 197. which judgment has been upheld by Hon'ble Supreme Court in Dr. Ami Lal Bhat v. State of Rajasthan & Ors. : (1997) 6 SCC 614. wherein, validity of similar provisions regarding cut-off date for maximum age in Rajasthan Medical Services (Collegiate Branch) Rules, 1962, the Rajasthan Panchayat Samiti and Zila Parishad Service Rules, 1959, the Rajasthan Class IV Services (Recruitment and other Service Conditions) Rules, 1963 and the Rajasthan Educational Subordinate Service Rules, 1971 were upheld. The Hon'ble Supreme Court in the said judgment observed thus:- In the present case, the cut-off date has been fixed by the State of Rajasthan under its Rules relating to various services with reference to the 1st of January following the year in which the applications are invited. All Service Rules are uniform on this point. Looking to the various dates on which different departments and different heads of administration may issue their advertisements for recruitment, a uniform cut-off date has been fixed in respect of all such advertisements as 1st January of the year following. This is to make for certainty. Such a uniform date prescribed under all Service Rules and Regulations makes it easier for the prospective candidates to understand their eligibility for applying for the post in question. Such a date is not so wide off the mark as to be construed as grossly unreasonable or arbitrary. The time-gap between the advertisement and the cut-off date is less than a year. It takes into account the fact that after the advertisement, time has to be allowed for receipt of applications, for their scrutiny, for calling candidates for interview for preparing a panel of selected candidates and for actual appointment. The cut-off date, therefore, cannot be considered as unreasonable. It was, however, strenuously urged before us that the only acceptable cut-off date is the last date for receipt of applications under a given advertisement. Undoubtedly, this can be a possible cut-off date. But there is no basis for urging that this is the only reasonable cut-off date. Even such a date is liable to question in given circumstances. In the first place, making a cut-off date dependent on the last date for receiving applications, makes it more subject to vagaries of the department concerned, making it dependent on the date when

each department issues an advertisement, and the date which each department concerned fixes as the last date for receiving applications. A person who may fall on the wrong side of such a cut-off date may well contend that the cut-off date is unfair, since the advertisement could have been issued earlier; or in the alternative that the cut-off date could have been fixed later at the point of selection or appointment. Such an argument is always open, irrespective of the cut-off date fixed and the manner in which it is fixed. That is why this Court has said in the case of Parameswaran Match Works and later cases that the cut-off date is valid unless it is so capricious or whimsical as to be wholly unreasonable. To say that the only cut-off date can be the last date for receiving applications, appears to be without any basis. In our view the cut-off date which is fixed in the present case with reference to the beginning of the calendar year following the date of application, cannot be considered as capricious or unreasonable. On the contrary, it is less prone to vagaries and is less uncertain. Consequently, there is no substance in the writ petition and the same is, therefore, dismissed in limine. The stay application also stands dismissed. (ARUN BHANSALI),J.

(NARENDRA KUMAR JAIN),J.

A.K. Chouhan 10

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com