

**Nimba Ram and ors Vs. State and ors**

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**SooperKanoon Citation :** [sooperkanoon.com/1160411](http://sooperkanoon.com/1160411)

**Court :** Rajasthan Jodhpur

**Decided On :** Jul-30-2014

**Appellant :** Nimba Ram and ors

**Respondent :** State and ors

**Judgement :**

[1].IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

D.B.CIVIL SPECIAL APPEAL NO.1152/2013 Nimba Ram & ORS.versus State of Rajasthan & ORS.Date of Order :: 30.7.2014 PRESENT HON'BLE Mr.JUSTICE GOVIND MATHUR HON'BLE Mr.JUSTICE ATUL KUMAR JAIN Mr.Nimba Ram - appellant present in person ..BY THE COURT : This special appeal is preferred to challenge the order dated 29.7.2013 passed by learned Single Bench in S.B.Civil Writ Petition No.7217/2013.

The learned Single Bench dismissed the writ petition in light of the law laid down in the case of Rajesh Dwivedi versus State of Rajasthan & Ors., (S.B.Civil Writ Petition No.7429/2013, decided on 25.7.2013).In the case of Rajesh Dwivedi (supra).a Single Bench of this Court held that no bonus marks against experience could have been granted to any aspirant for appointment to the post of Education Assistant.

(Shiksha Sahayak).It is pointed out that the judgment given by the Single Bench has already been reversed by Division Bench of this Court in the case of State of Rajasthan & ORS.versus Archana & Anr.

(D.B.Civil Special Appeal No.630/2013, decided on 25.9.2013).[2].We have considered the arguments advanced.

True it is, that the judgment given by Single Bench in the case of Rajesh Dwivedi has already been reversed but as a matter of fact, the law laid down in the case of State of Rajasthan & ORS.versus Archana (supra) is having no application in the instant matter.

In the case in hand, the appellants are claiming for a direction for the respondents to issue them experience certificate against the work done with Lok Jumbish project.

From perusal of special appeal, it appears that in the cause- title some dates are mentioned against names of each of the appellant but that does not disclose working of the appellants with Lok Jumbish or with any other institution.

The sole factual foundation to claim experience certificate is given in para-3 of the writ petition, that reads as under :- 3.

That the appellants have been denied to be issued the experience certificate for the work which they have done under the Lok Jumbish Project on the ground that the appellants are not working in the office of Lok Jumbish Project.

That, however, the respondent authorities passed an amended order dated 6.6.2013 whereby the Lok Jumbish Employee was amended and it was made Lok Jumbish Project and certain other Schemes were added which are Sarva Shiksha Abhiyan, District Primary Education Programme, Rajiv Gandhi Pathshala, Shiksha Karmi Board and MadaRs.Board.

That the amendment in the advertisement was done then also [3].the respondent authorities did not considered the grievance of the appellants and did not issued the experience certificate for the same.

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In para-3 quoted above, it is mentioned that the orders relating to some of the appellants-petitioners are placed on record but as a matter of fact, those are relating to only three persons out of 86 appellants.

No material is available on record to disclose the actual working term of the appellants.

In such circumstances the pleadings to substantiate the prayer for issuing experience certificate is vague.

On such vague pleadings no writ as claimed for can be issued.

The appeal, therefore, is dismissed.

The appellants will be at liberty to move a petition for writ to avail appropriate remedy by placing complete facts relating to their working term with Lok Jumbish project.

[ATUL KUMAR JAIN]., J.

[GOVIND MATHUR]., J.

Sanjay

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