

SachIn Kumar Jain Vs. State of Raj. and anr

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Court : Rajasthan Jodhpur

Decided On : Aug-11-2014

Appellant : SachIn Kumar Jain

Respondent : State of Raj. and anr

Advocate for Pet/Ap. : Mr. V.D. Dadhich

Judgement :

S.B. Civil Writ Petition No.7982/2012 Sachin Kumar Jain Vs. State of Rajasthan & Ors. & S.B. Civil Writ Petition No.4990/2013 Smt. Rekha Joshi Vs. State of Rajasthan & Ors. Order dtd. 11/08/2014 1/3 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B. Civil Writ Petition No.7982/2012 Sachin Kumar Jain Vs. State of Rajasthan & Ors. & S.B. Civil Writ Petition No.4990/2013 Smt. Rekha Joshi Vs. State of Rajasthan & Ors. .. Date of Order ::::

11. h August, 2014 PRESENT HON'BLE Dr. JUSTICE VINEET KOTHARI
Appearance: Mr. Sachin Kumar Jain]. Mrs. Rekha Joshi]- petitioners present in person. None present for the respondents. -- BY THE COURT:

1. The lawyers are observing strike which is contrary to various Supreme Court decision. None is present on behalf of respondents, though name of Mr. V.D. Dadhich, counsel for the petitioner and Name of Mrs. R.R. Kanwar, Govt. Counsel

are shown in the cause. No Officer-in-Charge is present on behalf of respondent-State to argue the case.

2. Heard the petitioners, who are present in person. They submitted that the controversy involved in the present writ petitions is S.B. Civil Writ Petition No.7982/2012 Sachin Kumar Jain Vs. State of Rajasthan & Ors. & S.B. Civil Writ Petition No.4990/2013 Smt. Rekha Joshi Vs. State of Rajasthan & Ors. Order dtd. 11/08/2014 2/3 covered by the decision of a coordinate bench of this Court in the case of Smt. Meena Sharma Vs. State of Rajasthan & Anr. decided on 04.10.2013. The petitioners further submitted that persons with much lower marks in the interview have been appointed on the post of Prabodhak., however, petitioners' candidature has been ignored. They also pointed-out that one Mr. Heeralal Joshi, who had secured only 16 marks in the interview and another Mr. Suresh Chand Sakvadia, who had secured only 5 marks in the interview, have been so appointed as Prabodhak by the District Education Officer, Udaipur but the petitioners who are more meritorious than the appointed persons, have not been given appointment so far.

3. The coordinate bench of this Court in the case of Smt. Meena Sharma (supra) has held as under: - In pursuant to the notification dated 31.05.2008, the petitioner faced the process of selection for appointment to the post of Prabodhak as per the provisions of the Rajasthan Panchayati Raj Prabodhak Service Rules, 2008. The petitioner on being declared successful in written test was placed at merit No.670-A with merit marks 46.67. The respondents appointed persons having merit marks 45.00, but no appointment was accorded to the petitioners. Thus, she preferred this petition for writ. The respondents have admitted that appointments have been accorded to the persons having 45.00 merit marks. Appointment was not given S.B. Civil Writ Petition No.7982/2012 Sachin Kumar Jain Vs. State of Rajasthan & Ors. & S.B. Civil Writ Petition No.4990/2013 Smt. Rekha Joshi Vs. State of Rajasthan & Ors. Order dtd. 11/08/2014 3/3 to the petitioner though she was having 46.67 merit marks. No adequate reasons are given for not according appointment to the petitioner. The petitioner being at higher pedestal in merit vis-a-vis the persons employed is certainly entitled to be appointed as Prabodhak. Accordingly, this petition for writ is allowed. The respondents are directed to

employ the petitioner as Prabodhak within the jurisdiction of District Education Officer (Elementary Education), Udaipur. The petitioner shall be entitled for getting her seniority determined in the cadre of Prabodhak from the date the person having less merit marks than her were employed. She will also be entitled to have all notional benefits with regard to fixation of her pay and other ancillary benefits. No orders as to costs. Sd/- (Govind Mathur), J.. 4. None appears on behalf of respondents to controvert these submissions and the averments made in the writ petition prima-facie appear to be correct. Therefore, their cases also deserve to be disposed of in the same terms.

5. Accordingly, in view of aforesaid order dated 04.10.2013 passed in CW No.6783/2012- Smt. Meena Sharma Vs. State & Ors., the present writ petitions filed by the petitioners, are also allowed in the same terms. No costs. A copy of this order be sent to the concerned parties forthwith. (Dr. VINEET KOTHARI), J.

DJ/- 97-98

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