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Rakesh Kumar Vs. State and anr

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Court : Rajasthan Jodhpur

Decided On : Aug-29-2014

Appellant : Rakesh Kumar

Respondent : State and anr

Judgement :

S.B. CIVIL WRIT PETITION NO.6083/2014 Rakesh Kumar Vs. State of Rajasthan & Ors. Order dated 29/08/2014 1/3 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER
S.B. CIVIL WRIT PETITION NO.6083/2014 Rakesh Kumar Vs. State of Rajasthan & Ors. Date of Order ::::

29. h August, 2014 PRESENT HON'BLE Dr. JUSTICE VINEET KOTHARI Appearance: Mr. Rakesh Kumar, petitioner present-in-person. -- BY THE COURT:

1. Heard the petitioner Mr. Rakesh Kumar, who is present- in-person.

2. The lawyers are observing strike which is contrary to various Supreme Court decisions. Names of Mr. S.R. Godara, as the counsel for the petitioner, is shown in the cause list.

3. Perused the record. The case is listed at Serial No.11 (Supplementary) in the category of For Fresh Admission With Stay..

4. The writ petition has been filed on 28.08.2014 with the following prayers:- It is, therefore, humbly and respectfully prayed that this writ petition of the petitioner may kindly be allowed with costs and by issuing appropriate writ, order or direction:- S.B. CIVIL WRIT PETITION NO.6083/2014 Rakesh Kumar Vs. State of Rajasthan & Ors. Order dated 29/08/2014 2/3 i) Issue an appropriate writ, order or direction in the nature thereof thereby direct the respondents to constitute an expert and independent committee for rectifying the error committed in the matter. ii) Issue an appropriate writ, order or direction in the nature thereof thereby direct the respondents that if the answers of the petitioner in 3 questions under disputes found to be correct than the respondent may issued the correct merit position of the petitioner and on being found eligible/ meritorious the petitioner may given appointment. iii) Issue an appropriate writ, order or direction in the nature thereof thereby direct the respondents to decide the representations of the petitioner and if the answers of the petitioner found to be correct by the committee then the respondents may kindly be further directed to given appointments to the petitioner on the post of Teacher Grade III Level II. iii) Pass any other appropriate order which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case in favour of the petitioner. iv) Cost of the writ petition be also awarded in favour of the petitioner.. 5. The petitioner had applied for the post of Teacher Gr.III and, according to them, the answer key given for the question paper which was solved by them on the OMR Sheet were incorrect and in this regard, they have already filed a representation to the Chief Executive Officer, Zila Parishad, Sri Ganganagar vide Annexure-6 S.B. CIVIL WRIT PETITION NO.6083/2014 Rakesh Kumar Vs. State of Rajasthan & Ors. Order dated 29/08/2014 3/3 dated 08.08.2014. The present writ petition has been filed by the petitioner on 28.08.2014 without waiting for the decision on the said representation by the said respondent - Chief Executive Officer, Zila Parishad, Hanumangarh. The petitioner ought to have first pursued his representation with the said respondent - Chief Executive Officer, Zila Parishad, Hanumangarh, who is expected to decide the said representation of the petitioner by passing a speaking and reasoned order, preferably after giving an opportunity of hearing to the petitioner in this regard.

6. If necessary, the answer key of the question paper, said to have been solved by the petitioner, in the said selection process can be examined by an Expert Committee and thereafter, the representation filed by the petitioner may be decided in accordance with law, preferably within a period of three months from today. For decision on the said representation, the petitioner may appear in the first instance along with a copy of this order before the respondent - Chief Executive Officer, Zila Parishad, Hanumangarh on 08.09.2014 and thereafter, the said authority is expected to decide the representation of the petitioner in the light of the observations made herein above within a period of two months thereafter.

7. Accordingly, the writ petition is disposed of with the directions and requirements aforesaid. A copy of this order be sent to the concerned parties forthwith. (Dr. VINEET KOTHARI), J.

DJ/- S-11

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