

Ramchandra and ors Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Sep-08-2014

Appellant : Ramchandra and ors

Respondent : State and ors

Judgement :

S.B. CIVIL WRIT PETITION No.6020/2014. Ramchandra & Ors. Vs. State & Ors. Final Order dated 08.09.2014 1/3 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR. ::

ORDER

:: S.B. CIVIL WRIT PETITION No.6020/2014. Ramchandra & Ors. Vs. State & Ors. .. Date of Order :::::

8. h September, 2014. PRESENT HON'BLE Dr. JUSTICE VINEET KOTHARI
Appearance: Mr. Ramchandra, petitioner No.1 present-in-person. -- BY THE COURT:

1. The lawyers are observing strike which is contrary to various Supreme Court decisions. Name of Mr. I.R. Choudhary, as the counsel for the petitioners, is shown in the cause list.

2. Heard the petitioner No.1 Mr. Ramchandra, who is present-in- person before the Court.

3. Perused the record. The case is listed at Sl. No.1 in the cause list under the category of For Fresh Admission With Stay..

4. The writ petition has been filed by the petitioner in this Court on 18.08.2014 with the following prayers:- It is, therefore, most humbly and respectfully prayed that the writ petition may kindly be allowed and by issuing an appropriate writ, order or direction:- i. The respondents may be directed to prepare the merit list of selected candidates to fill up 1723 vacant posts of drivers and fairly consider and appoint the petitioners on the post of driver in S.B. CIVIL WRIT PETITION No.6020/2014. Ramchandra & Ors. Vs. State & Ors. Final Order dated 08.09.2014 2/3 accordance with their respective merit with all consequential benefits. ii. Any other appropriate relief which this Hon'ble High Court deems just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioners..

5. The matter pertains to the claim of the petitioners about appointment on the post of drivers in the respondent - Rajasthan State Road Transport Corporation ('the Corporation'). The substance of the matter remains that initially 1723 posts of drivers were notified by the respondent - the Corporation but later on because of reduction in posts, only 489 candidates were offered appointment. In this process, the petitioners, who were aspirants for the posts of drivers, were fell out of consideration and thus, by way of filing this writ petition, they seek issuance of mandamus directions to be given to the respondent - the Corporation for giving them appointment on the posts of drivers.

6. It appears that the petitioners have already served a legal notice through their Advocate Mr. I.R. Choudhary vide Annexure-3 dated 25.07.2014 which is remained un-responded and the petitioners have filed this writ petition on 18.08.2014. In these circumstances, this writ petition is considered premature and, therefore, this Court is satisfied that no mandamus direction can be issued to the respondent - the Corporation to necessarily appoint all those persons for which initially 1723 posts of drivers were notified by the Corporation. This Court is of the opinion that the employer is at liberty to reduce as well as to increase the number of vacancies S.B. CIVIL WRIT PETITION No.6020/2014. Ramchandra & Ors. Vs. State & Ors. Final Order dated 08.09.2014 3/3 according to its own requirement. Be that as it may, since the legal notice served by the petitioners on the

respondent - the Corporation, it would be premature to pronounce on the merits of the case and, therefore, the writ petition is liable to be disposed of with necessary directions and liberty to both the parties.

7. Accordingly and in view of the above, this writ petition is disposed of with a direction and liberty to the petitioners to approach the respondent - the Corporation for decision of their legal notice and it is expected of the respondent - the Corporation to decide the said legal notice, after giving an opportunity of hearing to the petitioners, preferably within a period of three months from today. A copy of this order be sent to the concerned parties forthwith. (Dr. VINEET KOTHARI), J.

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