

Dimple and ors Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : Oct-27-2014

Appellant : Dimple and ors

Respondent : State and ors

Judgement :

S.B.CIVIL WRIT PETITION No.7438/2014 Dimple & ORS.versus State of Rajasthan & ORS.Order dated 27/10/2014 1/3 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B.CIVIL WRIT PETITION No.7438/2014 Dimple & ORS.versus State of Rajsathan and OrRs.Date of Order ::: 27th October, 2014.

PRESENT HON'BLE Dr.

JUSTICE VINEET KOTHARI Appearance: Mr.Inderjeet Yadav, for the petitioneRs.-- BY THE COURT: 1.

The petitioners have filed the present writ petition seeking a direction against the respondents to decide the representation filed by the petitioner and allot the posting place at Sr.Ganganagar District.

2.

The learned counsel for the petitioners Mr. Inderjeet Yadav submitted that the controversy involved in the present case is squarely covered by the decision of coordinate bench of this Court at Jaipur Bench in the case of Monika Meel V/s the Dy.

Director, Secondary Education - SBCWP No.15668/2012 decided on 3.10.2012.

The learned counsel for the petitioners has prayed that the petitioners' representations to the respondent No.2 - the Dy.

Director, Secondary Education, Bikaner, is pending since 03.08.2013 and 09.12.2013 respectively and which have not been decided so far.

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In the case of Monika Meel (supra).a coordinate bench of this Court held as under:
- Short controversy involved in these writ petitions is regarding posting of the candidates selected and appointed on the post of Teacher Grade II.

Petitioners have been ignored for preference ignoring their merits despite asking for preference of postings.

Learned counsel appearing for the respondents submits that the postings would be given to the candidates as per their merit and preference.

The exception would be in the case of disabled, divorcee, widow and single female.

Those four categories would be given preference in postings irrespective of their merit position however, if any, issue of preference in four categories mentioned above comes, preference would be as per merit amongst them.

In view of the submissions of the counsel for the respondents and ... (illegible). shown by the petitioners these writ petitions are disposed of with a direction to the respondents that postings of Teacher Gr.II should be given as per the preference given by the candidates subject to their merits, thereby meritorious

candidates would be having better choice of postings in comparison to less meritorious candidates.

The exception of the aforesaid would be for disabled, divorcee, widows and single female.

However, in case of preference between these four categories, meritorious candidate would get preference in postings.

This order would not only apply to these petitions but would be followed for entire State.

This is to avoid any controverRs.of postings and S.B.CIVIL WRIT PETITION No.7438/2014 Dimple & ORS.versus State of Rajasthan & ORS.Order dated 27/10/2014 3/3 litigations in that regard.

Thus, State Government is expected to regulate the postings as directed above.

With the aforesaid, the writ petitions and stay applications are allowed.

Sd/- (M.N.Bhandari).J.

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4.

Having heard the learned counsel for the petitioneRs.the present writ petition is disposed of in the same terMs.The respondent No.2 - Dy.

Director, Secondary Education, Bikaner is therefore, directed to decide the pending representation of the petitioner in terms of aforesaid judgment within a period of four weeks from today.

No order as to costs.

A copy of this order be sent to the parties concerned forthwith.

(Dr.

VINEET KOTHARI).J.

DJ/- 128

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