

**Ram Kumar Singh and Others Vs. The State of Rajasthan and Others**

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**Court :** Rajasthan Jodhpur

**Decided On :** Mar-27-2015

**Judge :** The Honourable Chief Justice Mr. Sunil Ambwani & Ajit Singh

**Appeal No. :** Special Appeal (Writ) No. 780 of 2014

**Appellant :** Ram Kumar Singh and Others

**Respondent :** The State of Rajasthan and Others

**Judgement :**

1. This Special Appeal is reported to be time barred by 124 days.
2. The delay has been satisfactorily explained, and is thus, condoned. The application for condonation of delay is allowed.
3. This intra-court Special Appeal is directed against the judgment dated 23.09.2013, by which this Court did not interfere, on a challenge made to condition No.10 of the advertisement dated 09.07.2013, for appointment to the posts of Lower Division Clerk (LDC) in the Local Self Government Department, Government of Rajasthan, Jaipur.
3. In the advertisement dated 09.07.2013, the vacant posts of LDCs were sought to be filled up by way of LDC Direct Recruitment, 2013 in the Local Self Government Department. Condition No.10 provided for award of bonus marks to all those persons, who were working on temporary/contract/daily wages, or in any

other manner, other than regular employment, in the local bodies, on the post of Junior Clerk, and had completed 10 years upto 10.04.2006. They were provided with 30 bonus marks (10 marks for each completed year), and age relaxation was also provided to such persons, working on temporary/contract/daily wages in the local bodies, who had completed 10 years of service as on 10.04.2006 (the date on which the Constitution Bench of Hon'ble Supreme Court rendered the judgment in Secretary, State of Karnataka Vs. Uma Devi (3) (2006) 4 SCC 1). They were to be treated, within the age limit, prescribed in condition No.7, for which the age limit of 35 years was provided for general category candidates with three years relaxation to those, who were eligible for appointment as on 01.01.2014 provided such candidates were within the age limit on the day, when they were appointed on temporary/contract/daily wages, or in any other manner, other than regular employment.

4. Learned Single Judge held that the condition No.10 was in compliance with the directions issued by Hon'ble Supreme Court in Secretary, State of Karnataka Vs. Uma Devi (3) (supra), inasmuch as in paragraph 53, the Supreme Court had provided relaxation by way of one time measure, to those, who had completed 10 years of service. The State of Rajasthan has made Rules in consonance with Paragraph 53 of the judgment in Secretary, State of Karnataka Vs. Uma Devi (3) (supra).

5. Learned counsel appearing for the appellants submits that the petitioners had not completed 10 years of service as on 10.04.2006, and were therefore, arbitrarily deprived of bonus marks, inasmuch, on the date of advertisement, they had completed 08 years of service, and further, they have been discriminated, as against other similarly placed employees, in other Departments, where no such condition as condition No.10, has been provided in the advertisement.

6. We do not find that learned Single Judge has committed any error in law, inasmuch as the petitioners were working on contract. They have not completed 10 years of service on contract in the local bodies as on 10.04.2006, and thus, they were not entitled to the relaxation of one time measure, given by the Supreme Court in Uma Devi's case(supra).

7. Ordinarily, the relaxation should have been provided, by a separate Rule, for those, who were eligible on the conditions mentioned in paragraph 53 of the judgment in Secretary, State of Karnataka Vs. Uma Devi (3) (supra). The State Government however, appears to have integrated the process of direct recruitment and relaxation, by providing age relaxation in condition No.7, and bonus marks in condition No.10, for those, who had completed 10 years of service as on 10.04.2006.

8. In case any other Department has made Rules, or conditions, contrary to the directions issued in Secretary, State of Karnataka Vs. Uma Devi (3) (supra), the same cannot be utilized by the petitioners for claiming discrimination, as any wrong committed by any other Department, cannot be a precedent, to be applied in this case. Article 14 does not admit negative equality, and thus, each case has to be judged on the anvil of the statutory rules, and not on the basis of any other Rules, which may be contrary to fundamental rights as enunciated by Supreme Court.

9. The Special Appeal is dismissed.

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