

Anil Kumar Vs. State

Anil Kumar Vs. State

SooperKanoon Citation : sooperkanoon.com/760882

Court : Rajasthan

Decided On : Jul-20-1992

Reported in : 1992WLN(UC)137

Judge : R.S. Verma, J.

Appeal No. : S.B.C.W.P. No. 3618 of 1991

Appellant : Anil Kumar

Respondent : State

Judgement :

R.S. Verma, J.

1. Heard the learned Counsel for the parties. The petitioner by this writ petition has prayed that respondent, Rajasthan Public Service Commission be directed to forward the name of the petitioner for appointment being given to the post of Lower Division Clerk in Nagaur District or for that matter anywhere also where the petitioner can be appointed and further direction be made for appointment being given to the petitioner on and from the date Shri Tara Chand was so appointed with all benefits consequential there to such as emoluments, seniority etc.

2. The petitioner appeared in 'Kanisth Lipik Sanyukt Pratiyogi Examination 1986 held by the Rajasthan Public Service Commission. His name was included in

reserve list for District Nagaur. However, the petitioner's name was not forwarded to the R.P.S.C. to the government because there was some deficiency in his form. The Rajasthan Public Service Commission asked the petitioner to remove deficiency by issuing letter Annex. 1. This deficiency was removed by him by filing an affidavit Annex. 2 which satisfied the Rajasthan Public Service Commission, It appears that R.P.S.C. duly cleared the name of the petitioner on 3rd May, 1990 and forwarded the name of the petitioner for appointment to the State Government on 22.5.1990. It appears that before appointment order could be issued in favour of the petitioners, a ban was imposed on appointments by the State Government on 6.6.90. The result was that the petitioner could not be appointed In spite of the fact that his name was included in the reserve list and the name of the petitioner had been cleared.

3. Separate returns have been filed by R.P.S.C. and by the State Government. The position stated above has not been controverted by the respondents. It is an admitted position that ban had been imposed on appointment on 6th June, 1990 and this is why an appointment order with regard to the petitioner could not be issued.

4. The case of the petitioner is that person junior to him namely Tara Chand was appointed. The petitioner prays that respondent State may be directed to appointment him from the very date his junior Tara Chand was appointed with consequential benefits. Learned council for the petitioner has in this connection relied upon judgment rendered in S.B. Civil Writ Petition No. 1034/90 Sawar Mat Stmrma v. State of Raj. and Ors. decided on 1.4.1991. State has not been able to show now the paper of the petitioner differs from the case of Sawar Mal in any material particular.

5. I have perused the judgment rendered in Sawar Mal's case. I find that judgment equarely applies to the present case also. I, therefore, in the circumstances of the case direct the respondent State to issue appointment order in favour of the petitioner in Nagaur District or in such other district in which he may be eligible to be appointed, keeping in view, the judgment, ended by this Court in D.B. Civil Special Appeal No. 108/91 decided on 18.4.91. However, it is clarified that period

of ban shall not come in the way of reckoning the seniority of the petitioner and he shall be assigned seniority above Tara Chand who was just below the petitioner. The writ petition is disposed of accordingly.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com