

Arjun Singh Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Jul-05-2010

Judge : Vineet Kothari, J.

Appellant : Arjun Singh

Respondent : State of Rajasthan and ors.

Disposition : Petition dismissed

Judgement :

Vineet Kothari, J.

1. Heard the learned Counsel.

2. By Annex.2, candidature of the petitioner in the selection process of Prabodhak was rejected on the ground vide item No. 8 in the impugned order that he does not hold the prescribed qualification of BSTC.

3. The learned Counsel for the petitioner submits that he the same on 5.7.2009. The interview for selection on the post of Prabodhak were first held, according to the petitioner in para 5, on 19.2.2010 and again on 29.6.2010. The petitioner further stated in para 5 that 'the petitioner acquired the qualification of BSTC at the time of interview and therefore, he was eligible to be considered for the post of Prabodhak. The learned Counsel for the petitioner relying upon the decision of the

Hon'ble Supreme Court in the case of Ashok Kumar Sharma v. Chander Shekhar and Anr. reported in : 1993 Supp. (2) SCC 611 submitted that the qualification on the date of interview should be taken into account by the respondent - authorities as it was considered in better public interest to widen the choice of selection in the said manner.

4. From the perusal of para 5 and the impugned order Annex.2 dtd. 31.5.2010, it does not appear to this Court that the petitioner ever informed formally or with some documents the respondents - authorities about the factum of his having passed the said eligibility qualification of BSTC in the year 2009. Mere acquiring of said qualification even if it was to be true unless brought to the notice of the respondents, the respondents authorities cannot be faulted in passing the impugned order Annex.2 on 31.5.2010 rejecting the candidature of the petitioner on the ground that the petitioner was not eligible as per the information given in the application filed in the year 2008. Para 5 does not specifically state that the petitioner brought it to the notice of the respondents that he has acquired the qualification of BSTC before the earlier round of interview held on 19.2.2010.

5. Consequently, this Court is of the view that this writ petition as has been framed cannot succeed. Accordingly the present writ petition is dismissed. No order as to costs. A copy of this order be sent to the respondents immediately.

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