
(2013) 03 RAJ CK 0007

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3126 of 2013

Banwari Lal Saini

APPELLANT

Vs

Board of Secondary Education Rajasthan

RESPONDENT

Date of Decision : 04-03-2013

Acts Referred:

Citation : (2013) 03 RAJ CK 0007

Hon'ble Judges : M.N. Bhandari, J

Bench : Single Bench

Advocate : Mahipal Kharra, for the Appellant;

Final Decision : Disposed Off

Judgement

M.N. Bhandari, J.—It is stated that petitioner/s crossed the age limit provided for appointment to the post of Paricharak in Board of Secondary Education Rajasthan, Ajmer. Similar controversy came up before this Court in the case of Pawan Kumar Bardiya & Ors. Versus State of Rajasthan & Anr.-SBCWP No. 8046/2008, decided on 18.8.2011 and, therein, referring to the judgment of the Hon'ble Apex Court in the case of R.P.S.C., Ajmer Versus Smt. Anand Kanwar-Civil Appeal No. 52 of 1993, decided on 8.2.1995, the petitioners therein were not held within the age for appointment to the post in reference though a direction for consideration of the representation for grant of age relaxation was given. It is submitted that case of the petitioner/s may be covered by the aforesaid judgment and accordingly a direction may be given for consideration of the representation in the light of the fact that for last 10 years, no recruitment to the aforesaid post has been undertaken.

2. In view of the aforesaid, this writ petition is disposed of with the direction to the respondents to consider petitioner/s' representation in the light of the judgment in the case of Pawan Kumar Bardiya (supra) and taking note of the hardship and the last recruitment being in the year 2002, respondents are expected to take a proper view as indicated in the judgment referred to above. It

is clarified that respondents will apply the ratio of the aforesaid judgment instead of going into the facts therein. The petitioner/s will, however, enclose the copy of the judgment supra while copy of this order is served on the respondents.