
(2018) 05 RAJ CK 0007

In the Rajasthan High Court

Case No : Civil Writs No. 9229, 9216, 9215 of 2018

Bhagwan Lal Patel And Ors @APPELLANT@Hash State of Rajasthan And Ors

Date of Decision : 01-05-2018

Acts Referred:

Citation : (2018) 05 RAJ CK 0007

Hon'ble Judges : VEERENDR SINGH SIRADHANA, J

Bench : Single Bench

Advocate : R. D. Meena

Final Decision : Disposed Off

Judgement

Learned counsel for the petitioner submits that in somewhat identical controversy, a Coordinate Bench of this Court, referring to the earlier opinions, in the case of Manoj Khandelwal & Ors. Versus State of Rajasthan & Ors.: SBCWP Number 7283 of 2014, allowed opportunity to the petitioners

therein, to make a representation to the respondent No.2 - Director, Secondary Education, Bikaner, observing thus:

â??This Court in Suman Bai and Another Vs. State and Others â?" 2009 (1) WLC (Raj.) 381, held that candidates in lower order of merit cannot

become entitled merely because they had approached court earlier. Petitioners had a fresh cause of action for approaching in such situation and their

writ petition not barred either as res judicata or as being him in properly constituted. This directed the respondents to treat petitioners senior to

respondents, who were in lower order of merit.

It is further contended in the writ petition that in the matter of School Lecturers (English) in the same Department, where appointments were delayed

because of the fault of the State authorities, the candidates were accorded

appointment from the date the candidates stood lower in merit were appointed and they have been granted all consequential benefits of services.

The petitioners approached the respondents by way of representations for extending them same benefits of service which have been granted to the candidates who stood lower in merit than the petitioners, but till date nothing has been done. Hence, this writ petition on behalf of the petitioners for a direction to the respondents to treat their appointment from the date the candidates lower in merit, were given, with all consequential benefits of service, such as seniority, continuity of service, pay fixation, grant of annual grade increments.

Having regard to the facts of the case, writ petition is disposed of requiring the petitioners to make a representation to respondent no.2 " Director,

Secondary Education, Bikaner, along-with a copy of this order, who shall, after verifying the facts stated above, consider and decide the same by a

speaking order within a period of three months from the date of its making, addressing the grievance of the petitioners for extending them the relief as

prayed for, as the candidates, who stood lower in merit, are getting benefit of higher pay, seniority, annual grade increments and other service benefits

including the selection scales. If the respondent no.2 decides to place the petitioners above in seniority than the candidates who stood lower in merit,

then the petitioners would be entitled to all benefits of seniority but they would be entitled only to notional benefits.?"

It is further contended that for the present; the petitioner would be satisfied, if the State-respondents are directed to consider and

decide the representation of the petitioner in the backdrop of the adjudication made in the case of Manoj Khandelwal &

Ors. (supra), within a time frame, which the petitioner is ready and willing to address within two weeks

hereinafter.

In view of the limited prayer addressed; the instant writ proceedings are closed with a direction to the petitioner to address a comprehensive

representation enclosing a copy of the order in the case of Manoj Khandelwal & Ors. (supra).

In case, a representation is so addressed within the aforesaid period, the respondent No.2 " Director, Secondary Education, Bikaner, is

directed to consider and decide the same by a reasoned and speaking order addressing grievances of the

petitioner for extending the same relief as accorded in favour of Manoj Khandelwal & Ors.

The exercise aforesaid shall be undertaken by the respondent No.2 â?" Director, Secondary Education, Bikaner, as expeditiously as

possible, preferably, within a period of two months from the date of receipt of the representation along with a certified copy of this order.

In case, the claim of the petitioner is found covered by the adjudication as referred to and relied upon in the case of Manoj Khandelwal & Ors.

(supra); the petitioner too be extended the same benefit.

With the observations and directions, as indicated above, the writ application stands disposed off.