

(2019) 02 RAJ CK 0183
In the Rajasthan High Court
Case No : Civil Writ No. 1852 Of 2019

Bharat Kumar Rawal

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-02-2019

Acts Referred:

Citation : (2019) 02 RAJ CK 0183

Hon'ble Judges : Sanjeev Prakash Sharma, J

Bench : Single Bench

Advocate : Girish Joshi

Final Decision : Dismissed

Judgement

1. Counsel for the petitioner submits that for the allotment of Fair Price Shop, the requirement was that the candidate must have graduate qualification and also have 3 months basic training certificate of having knowledge in computer course from Rajasthan Knowledge Corporation Limited (RKCL) or any other equivalent Government Institute.

2. It is his submission that if any such person is not available then alone, the candidate who do not possesses qualification of graduation but is 12th class passed only may be considered. It is his further submission that those candidates who have not completed the Computer Course, could not have been considered if there was a candidate available with the respondents having already completed the Computer Course. Thus, it is his submission that so far as respondent No.4 is concerned, his candidature could not have been considered as he was undergoing the computer training Course and had not completed the same on the last date of application. While, petitioner who is graduate in Computer Application (BCA) and also possessed the requisite qualification, was thus required to be placed at priority and ought to have been selected.

3. Learned counsel further submits that if a comparative qualification of the petitioner vis-a-vis respondent No.4 is considered, the petitioner is better

qualified and therefore he should have been selected and the action of the respondents in selecting the respondent No.4 for the purpose of Fair Price Shop vide order dated 05.10.2018 is illegal and unjustified.

4. I have considered the submissions of learned counsel for the petitioner and find that in terms of the notification issued by the State Government dated 17.03.2016 which lays down the guidelines for the purpose of allotment and selection of candidate for Fair Price Shop, it is apparent that the Clause 1 (ii) lays down the Educational Qualification and it provides that candidate must be graduate and must also possess 3 months certificate of training in Computer either from Rajasthan Knowledge Corporation Limited (RKCL) or any other equivalent Government Institute. That apart, there are two proviso to the said conditions: firstly that if candidates are not available who are graduate, those who possessed 12th Class passed certificate, would also be considered. Secondly, that an applicant who does not possess the Computer Training Certificate would have to give a declaration that he shall complete the training course within 6 months from the date of selection and such candidates who are selected, would be given the allotment only after they complete the training course.

5. Having noticed the aforesaid qualifications, I find that the contentions raised by learned counsel has no substance as the second proviso relaxes the necessity of having completed training course of 3 months in computer before the last date of application.

6. In view of second proviso which relaxed the condition relating the Computer Training Course, the application of the respondent No.4 cannot be said to be wrongful and he cannot be said to be disqualified as he has applied mentioning therein the he is undergoing the Computer Training Course from the RS-CIT which is the Government Institute providing computer training and also has given an affidavit that he shall submit certificate of acquiring the said course. The selection of the respondent No.4 has been made but in view of the conditions, it would be provisional and has to be only implemented only after he completes the course.

7. Thus, the contention of the petitioner is not made out and rejected.

8. The second contention of the petitioner is that a comparative assessment of the qualification of the petitioner vis-a-vis respondent No.4 ought to have been conducted. I find that the selection of candidates for Fair Price Shop is in an exclusive domain of the administration and a comparative selection process cannot be under taken in judicial review. There is no allegations of malafide or any illegality committed by the Selection Committee.

9. In view thereof, no case is made out and the present writ petition is dismissed being devoid of merit.