

(2021) 03 RAJ CK 0027
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1989 Of 2021

Bhawana And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 05-03-2021

Acts Referred:

Citation : (2021) 03 RAJ CK 0027

Hon'ble Judges : Dinesh Mehta, J

Bench : Singal Bench

Advocate : Ramesh Kumar, Manish Vyas

Final Decision : Disposed Of

Judgement

1. By way of present writ petition, petitioners herein have raised a grievance that after being appointed, they have joined at the place(s) which were made available to them, whereas the persons who have been offered appointment vide list dated 11.01.2021 issued for Level-2, despite having lower merit positions, have been offered postings vide order dated 18.01.2021 at places, which petitioners craved for.

2. Petitioners participated in recruitment for Teacher Grade III Level - 1 & 2 and were placed high in merit. All of them have been given appointment/posting in April, 2019. Whereas in the lists referred to in para 1 above, candidates lower in merit have been offered the Districts which many of the petitioners were denied.

3. The reasons for such discrepancies are that many vacancies arose out of the first list as, many did not turn up for document verification, many were declared unsuccessful consequent to document verification whereas many did not come to join.

4. Pursuant to direction(s) of this Court to fill the vacant posts (given in Kuldeep Kumar's case), the State has allocated districts/posts which remained unfilled for above three reasons. Naturally, various candidates who were lower in merit have

been allotted postings or districts which were earlier not available to the petitioners at the first stage.

5. Learned counsel for the petitioners submitted that the respondents be directed to follow the directions given by Division Bench of this Court in the case of State of Rajasthan & Ors. Vs. Poonam Sharma (D.B. Special Appeal Writ No.815/2019) dated 29.08.2019.

6. Mr. Manish Vyas, learned AAG, appearing for the respondents submitted that while providing place of posting, the respondent- State allotted only those posts in the districts, where the posts remained unfilled/vacant. The petitioners who have already joined, cannot be shifted now and thus, action of the respondent-State is valid. He added that petitioners' prayer, if accepted, would pose practical and procedural difficulties to the State and hardship to many candidates.

7. In considered opinion of this Court, the law laid down by Division Bench in its judgment dated 29.08.2019, though pertained to recruitment of Senior Teachers, is equally applicable to all the recruitments, where the posts are filled in phased manner.

8. This being the position, the present writ petition is disposed of with the direction to the respondent-State to undertake the exercise as has been ordered by the Division Bench in the case of Poonam Sharma (supra).

9. For the sake of clarity, the directions issued by the Division Bench in case of Poonam Sharma (supra) are reproduced hereunder :-

(a) "The State shall issue a circular/order within four weeks, expressly stating that cadre allocations (to different divisions) made are only provisional and that such allocations would be made finally in a time bound manner, to be clearly indicated in such an order or circular;

(b) Await the receipt of all recommendations for 3 months and thereafter take up the process of determination of cadre allocations, in accordance with the rules and circulars applicable and complete such cadre allocations within 6 months from today;

(c) The State is further directed that cadre allocations made finally pursuant to the above directions, shall not be treated as transfers, but instead as revised initial postings of the concerned teachers.

(d) The circular issued pursuant to the above directions shall also mention that it has been issued pursuant to the present order."

10. The present writ petition so also the stay petition stands disposed of accordingly.