
(2006) 02 RAJ CK 0088

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3645 of 1997

Chanchal Bala (Kum.)

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 21-02-2006

Acts Referred:

Citation : (2006) 3 RLW 2123 : (2006) 2 WLC 697

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : Ashok Gaur and Sunil Samdaria, for the Appellant; B.L. Awasthi, Add. G.A., S.N. Kumawat, Reashm Bhargava, Sanjay Pareek and Mahendra Goyal, Mahendra Singh, Kamla Jain and N.S. Rathore, for the Respondent

Final Decision : Dismissed

Judgement

Ashok Parihar, J.—Since on similar set of facts, same prayers have been made in all the above writ petitions, the same have been heard together and are being decided by this common order.

2. After receiving requisition from the State Government an advertisement was issued by the Rajasthan Public Service Commission (herein after to be referred as the Commission) on 20.01.1997 by which amongst others 12 posts of Lecturer in Beauty and Culture had also been notified The last date for submission of application forms was 15.3.1997. Eligible candidates including the petitioners were called for interview on 26th to 28th May, 1997 and subsequently, a select list was prepared and sent to the State Government. Name of one of the petitioners namely; Ku. Chanchal Bala also appeared in the reserve list. Not been successful in the selections made above by the Commission, the petitioners have preferred the above writ petitions not only challenging the entire selections but also the amendment made in Schedule of the Rajasthan Technical Education Service Rules of 1973 vide notification dated 21.11.1996.

3. It has been submitted that the word "preferable" inserted by the above

amendment gives arbitrary powers to the selection committee and teaching experience required has completely been given a go-bye, It has also been submitted that the selection committee/recruitment board had not fixed any criteria for selection in the present matter. Emphasis has been made on the observations made by this Court earlier in the judgment dated 13.1.1999 in the present writ petitions. The judgment of this Court, referred above, has already been set aside by the Division Bench vide order dated 4.11.2003 remanding the matter back to this Court with the observations of deciding the matters afresh after impleading necessary parties.

4. After hearing counsel for the parties, I have carefully gone through the entire material on record as also the relevant provisions of the Rules.

5. There cannot be any dispute that the total discretion lies with the State Government to frame Rules and also amend the same as per requirement, exigencies and nature of particular service. There is nothing on record to show that particular amendment has been made in the Rules of 1973 vide notification dated 21.11.1996 to favour or accommodate a particular person. The amendment so made has a uniform application on all. There is a legal presumption that the selection committee has interpreted the words used in the relevant Rules applying uniformly on all the candidates. In the present case also, the petitioners could also have been given benefit of the amendments so made. That apart knowing fully well the provisions of the relevant Rules, the petitioners participated in the process of selection without any objection or challenge to the relevant Rules, having failed to do so at appropriate stage, the petitioners now cannot be allowed to challenge the validity after not been selected by the recruitment board. It is further total discretion of the selection committee/recruitment board to prepare or decide a criteria for selection to a particular post. So definite norms in this regard can be laid down by this Court until and unless the same are provided under the Rules itself. In absence of any mala fides against the selection committee, in my opinion, the grievance so made by the petitioners also cannot be accepted.

6. Having considered entire facts and circumstances, in my opinion, no further interference is called for by this Court, moreso, when the whole selection process is over, long back and appointments have also been made to the selected candidates.

7. The Writ petitions are dismissed accordingly as having no merits.