
(1991) 10 RAJ CK 0009
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3332 of 1990

Dayanand

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 31-10-1991

Acts Referred:

Citation : (1991) 2 RLW 240 : (1991) 2 WLN 503

Hon'ble Judges : I.S. Israni, J

Bench : Single Bench

Final Decision : Allowed

Judgement

I.S. Israni, J.—In this petition, it has been prayed that order Anx. 4 dated June 27, 90 be quashed or in the alternative the last date of submitting the application form for the post of Ayurved Chikitsak be further extended upto the date when the petitioner completed his enternship.

2. It is submitted by Mr. Choudhary, learned Counsel that petitioner completed his 6 years course in Bachelor of Ayurved Medicine and Surgery (B.A.M.S.) on 23.1.90. He had to undergo enternship for 6 months in Shri Bhanwar Lal Dugal Ayurved Vishva Bharti Gandhi Vidhya Mandir, Sardar Shahar. He started this enternship on 12.2.90 as per order dated 29.1.90. However, he was shifted to Ajmer from 12.2.90 to 2.3.90 and thereafter continued at Sardar Shahar since 3.3.90. Anx. 1 to 3 are the marks-sheets. An advertisement was issued on 27.6.90, which was published in Rajasthani Patrika dated 4.7.90 for temporary appointments of Ayurved Hospitals in Rajasthan where 216 vacant posts had to be filled up. The applications were invited from the eligible candidates, who had passed out B.A.M.S. and also completed internship. The last date for submitting the applications was 15.7.90, which was extended thereafter to 1.8.90 vide order dated 12.7.90, which was published in Rajasthan Partika on 13.7.90. The relevant photostat copies are Anxs. 4 & 5. It is further submitted that the above date was extended on the demand of some candidates from different colleges, where the internship course had not been completed. The candidates of Sardar

Shahar who had started internship only on 12.2.90, could not complete the internship course even uptill the extended date. The petitioner, however, submitted application within time on 27.7.90. One of the conditions as published in advertisement was that "candidate will be taken to be eligible for consideration only if he has completed the course of internship also. It is contended by learned Counsel that vide Anx. 6 dated 4.2.89 an advertisement was issued by Ayurvedic and Unani Services, Uttar Pradesh, Lucknow, regarding appointment of Ayurved Chikitsak in the month of February, 89 in which, it was mentioned that such candidates who have passed out B.A.M.S. decree Course, but have not completed their internship may apply and will be taken to be eligible even if they have completed their internship course on the date of interview. It is, therefore, submitted that in the case under consideration also, this facility should have been given to the candidates, who were undergoing the training of enternship.

3. It is submitted by Miss. Deepa Ajwani, learned Assistant Government Advocate that the conditions in the advertisement were clear and since the petitioner had not completed his course of internship, therefore, his application was not considered.

4. I have heard both the parties and also gone through the documents on record. It is an admitted position that the last date for receiving of applications was extended till 1.8.90, but the petitioner completed his internship on 10.9.90. As already stated that he had submitted the application within time, but was not considered since he had not completed internship course before the last date i.e. 1.8.90. It is an admitted-position that several posts of Ayurved Chikitsak are lying vacant and will be filled in due course of time. I am of the considered opinion that merely because the petitioner completed his internship course 10 days late than the last date on which, the applications had to be filed, it will be not appropriate to debar him from getting chance for appointment since he had already passed out the degree course of B.A.M.S. It is well known that the schedule of the examinations in our country keeps on fluctuating with the situation from time to time and examinations, which are to be held in a particular month, are infact, held late by several months and the result is also declared several months late. In such conditions, it will be not in the interest of justice to punish the petitioner for a fault, which does not lie on his shoulders.

5. In the result, this petition deserves to be allowed. It is directed that the application of petitioner be considered and if he is otherwise found eligible, he may be given appointment whenever the vacancies are to be filled-up for the post of Ayurved Chikitsak.

6. The petition is allowed as above, with no order as to costs.