

(2010) 11 RAJ CK 0015
In the Rajasthan High Court
Case No : Civil Writ Petition No. 470 of 2010

Dinesh Chand

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 08-11-2010

Acts Referred:

Citation : (2010) 11 RAJ CK 0015

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Counsel for Petitioner submits that controversy raised herein has been decided by this Court in Naveen Kr. Sharma and (16) Ors. v. State and Ors. (CWP-4728/2008 & six cognate cases) vide judgment dt.01/12/2009 clarifying the position ad infra:

Consequently, all these writ petitions are disposed of with the direction to the Respondents to consider candidature of Petitioners for appointment on the post of Teacher (Primary & Upper Primary Schools) on the basis of their selection made pursuant to advertisement dt.30/10/06 strictly in order of merit as per statement (supra) against available vacancies other than reserved for TSP area; and in case either of Petitioners does not find place in order of merit in respective category for appointment, Respondents shall inform each of them about his placement and reasons for which he could not be held eligible for appointment. Compliance be made within two months.

2. However, Government Counsel submits that no vacancy is available against which Petitioner can be considered for appointment. There is no such material on record by which inference can be drawn that vacancies are not available.

3. But this fact could not have been controverted that the petition relates to process of selection initiated by Respondents in pursuance of advertisement dt.30/10/2006 held for the post of Teacher (Primary & Upper Primary Schools) under Rajasthan Panchayatiraj Rules, 1996 ("Rules, 1996"). As regards judgment

(supra), it has not been disputed by Government Counsel about controversy being decided by this Court.

4. This Court has already observed that if vacancies are available, the same be filled up in the order of merit. Individual merit of writ Petitioner has not been examined by this Court. In the light of what has been observed (supra) in CWP-4728/08, instant writ petition stands disposed of. However, it is made clear that if vacancies are not available, Petitioner may be informed with complete details. No order as to costs.