

(2010) 08 RAJ CK 0004
In the Rajasthan High Court

Divakar Jangid

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 25-08-2010

Acts Referred:

Constitution of India, 1950 — Article 226(3)

Citation : (2010) 08 RAJ CK 0004

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Judgement

Mohammad Rafiq, J.—This second application for grant of stay order has been filed in a situation where in similar matters a Coordinate Bench of this Court was persuaded to stay the operation of the order dated 15.04.2010. It was because of this order that services of the petitioners were put to an end. The learned Counsel cited interim order dated 21.05.2010 passed by a Coordinate Bench of this Court in Writ Petition No. 7410/2010 Obedulla Khan v. State of Rajasthan and Ors. He also cited the order dated 28.05.2010 of same Coordinate Bench of this Court in Writ Petition No. 6330/2010 Shailesh Chaturvedi v. The State of Rajasthan and Ors. However, in the present case the stay petition filed along therewith, another Coordinate Bench of this Court directed this matter to be placed before this Bench with observation that it would tantamount to reviewing the earlier order dated 11.05.2010 which was limited to the effect that if the respondents wanted to avail services of any one on the post of M.B.A. (Rural Development) Coordinator, preference shall be given to the petitioner over any fresh candidate in the matter of fresh appointment.

2. Learned Counsel for the respondents opposed the application and submitted that he has, in all these matters, filed an application for vacation of said stay order because of the order passed in this case and in other cases were passed ex-parte and that his right to seeking their vacation under the provisions of Article 226(3) of the Constitution of India may not be defeated by any modification/ amendment in the order.

3. Since this order would alter the order originally passed by this Court on 11.05.2010, the right of the respondents to apply for its vacation simultaneously with the vacation of interim order passed in other identical matters would in any case remain unaffected by any modification in the earlier order dated 11.05.2010.

4. In order therefore to maintain similarity in similar matters, it is directed that operation of the order dated 15.04.2010 shall also remain stayed in the case of petitioner as well, subject, of-course, to right of the respondents to apply for vacation of the stay order which may be considered along-with similar matters.