
(2015) 09 RAJ CK 0098

In the Rajasthan High Court

Case No : Civil Writ Petition Nos. 10141, 10359, 10423, 10426, 10435, 10495 and 10508/2015

Girdhari Singh and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 11-09-2015

Acts Referred:

Citation : (2015) 09 RAJ CK 0098

Hon'ble Judges : Sandeep Mehta, J.

Bench : Single Bench

Advocate : Kailash Jangid, Sukesh Bhati, D.K. Gaur, Abhishek Sharma, Rameshwar Dave, Shardul Bishnoi and J.S. Bhalaria, for the Appellant; S.S. Ladrecha, AAG and Vikas Choudhary, for the Respondent

Final Decision : Disposed Off

Judgement

Sandeep Mehta, J.—The petitioners are such candidates who crave appointment on the posts of Vidhyalay Sahayaks in pursuance of a recruitment notice issued by the respondents in the year 2015 under the Rajasthan Vidhyalay Sahayak Subordinate Service Rules, 2015. The aspirants are required to submit online application forms as per the advertisement. The petitioners claim that despite fulfilling the requisite criterion, they are being prevented from submitting the application forms for two reasons, (i) that they were overage in the earlier stint of service put in by them in the educational schemes, projects/institution described in Rule 2(j) of the Rules of 2015 and (ii) that the competent authorities are not countersigning the proforma experience certificate and thus, the online application forms are not being uploaded on the portal.

2. Counsel for the petitioners contend that Rule 41 of the Rules of 2015 confers power upon the administrative department of the Government of Rajasthan to relax the age or the requirement of experience in suitable cases looking to the nature of hardship. They submit that an exactly identical rule was interpreted by this Court in an earlier recruitment for the post of Shikha Sahayak and the Court

permitted the candidates concerned to submit hard copies of their application forms to the authorities. Simultaneously, the overage candidates were required to submit their detailed representations to the competent authority for giving them age relaxation. The competent authority in turn was directed to decide such representation as per law and as per the judgment rendered by the Jaipur Bench of this Court in the case of Shailesh Verma Vs. State of Rajasthan being S.B. Civil Writ Petition No. 1839/2009 decided on 5.9.2012. Learned counsel submit that the instant writ petition may also be decided with the same directions.

3. Learned A.A.G. is not in a position to dispute the fact that the power of age relaxation is available to the competent authority under Rule 41. However, he contends that such powers can be exercised by the competent authority in appropriate cases only looking to the nature of the hardship faced by a particular candidate.

4. This Court, by way of an interim measure, has already allowed a large number of candidates to submit their offline application forms to the concerned District Education Officer. The respondents have also uploaded a proforma offline application form on the official website.

5. In this view of the matter, the petitioners and all similarly situated duly qualified aspirants (even those who have not filed writ petitions), who are having experience certificates of minimum one year's work experience (covered by the definition of experience as per Rule 2(j) of the Rules of 2015) issued by their respective employers in their earlier service stints are provisionally allowed to submit their offline application forms to the concerned authorities before the extended date on the basis of the experience certificates held by them.

6. Overage candidates like the petitioners shall also be entitled to submit representations to the competent authority for giving them age relaxation. The authorities concerned shall consider and decide such representations as per law.

7. The offline application forms submitted by the petitioners and other similarly situated candidates shall be accepted without insisting for the proforma experience certificate as uploaded on the website. The respondents shall provisionally consider the cases of petitioners and other similarly situated applicants for selection as Vidhyalaya Sahayaks. However, no equity shall be created in their favour by this order. The petitioners' right of selection in the questioned recruitment process shall remain subject to the order passed on their representation seeking age relaxation submitted to the competent authority.

8. The writ petitions as well as stay applications are disposed of with the above directions.

9. No order as to costs.

10. A copy of this order be placed in each file.