
(2020) 02 RAJ CK 0592
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1974 Of 2020

Gopal Soni And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 26-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0592

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : J.S. Bhaleria, Rajat Arora, K.S. Rajpurohit

Final Decision : Disposed Of

Judgement

1. The present writ petition lays challenge to the orders dated 27.02.2019 and 28.05.2019, passed by the respondent No.2.

2. Mr. Bhaleria, learned counsel for the petitioners, informing that petitioners's earlier Writ Petition was allowed by this Court, contended that the

order dated 29.08.2018, passed in petitioners's earlier round of litigation (SBCWPs Nos.8826/2018 and 9058/2018), was clear and explicit. The

Court had given a clear finding after hearing learned counsel for the respondents that petitioners's case is squarely covered by the judgment dated

05.12.2016 passed by this Court in Sangeeta Choudhary's case (SBCWP No.2998/2016).

3. Informing that the said order has attained finality, as the State has not filed any appeal against such order, learned counsel argued that once this

Court has held petitioners's case to be covered by the case of Sunita Choudhary (supra), the respondent No.2 had no authority or jurisdiction to

distinguish petitioners's case from the case of Sangeeta Choudhary. He argued

that the orders impugned deserve to be quashed and set aside.

4. Mr. Rajat Arora, learned counsel for the respondents was not in a position to dispute the above position of facts and law.

5. Having heard learned counsel for the parties and upon perusal of the order dated 29.08.2018, passed by this court in petitioners' earlier writ

petitions, more particularly, the directions contained in para No.6 of the judgment, this Court is of the clear view that the respondent No.2 was not

justified in passing the order impugned. The orders dated 27.02.2019 and 28.05.2019 are like sitting over the judgment of this Court and

giving/substituting his own finding regarding petitioners' entitlement of inclusion of the contentious period - during which they were not permitted to

join, regardless of the interim order in their favour.

6. Respondent No.2 has no jurisdiction to pass impugned orders which are clearly contrary to the finding recorded by this Court in its order dated

29.08.2018.

7. The writ petition is, therefore, allowed. Orders dated 27.02.2019 and 28.05.2019 are quashed.

8. The respondents are directed to pass formal order of counting their period of non joining in their experience within a period of 7 days from today,

while giving appropriate bonus marks to the petitioners.

9. In case petitioners find place in the merit list, they shall be issued appointment orders within a period of two weeks thereafter.

10. The stay application also stands disposed of accordingly.