
(2020) 02 RAJ CK 0292

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4843 Of 2019

Hari Mohan Meena

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 17-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0292

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Shreyansh Mardia, Sandeep Shah

Final Decision : Disposed Of

Judgement

1. The petitioner's writ petition being SBCWP No.18093/2018 filed earlier came to be allowed by this Court on 5.12.2018, with the following

observations::

“In view of the submissions made, the writ petition filed by the petitioners is allowed. The result of the petitioners pertaining to PET conducted by

the respondents is quashed and set-aside. The respondents are directed to hold fresh PET for the petitioners on 15.12.2018 at Rajasthan Police

Training Center, Mandore Road, Jodhpur and based on the performance of the petitioners, if the petitioners pass the PET and their names appear in

the merit-list, they shall be granted appointment from the date other candidates were granted appointment pursuant to the recruitment with actual

benefits from the date of appointment.”

2. The petitioner has preferred the present writ petition, inter alia, raising grievance that in spite of successfully clearing PET, the respondents have not accorded appointment to the petitioner.

3. Mr. Shah, learned AAG submitted that true it is, that the petitioner was permitted to take part in PET and he was successful, however, respondents have not accorded appointment to him as the intra-court appeal preferred by the State against the said judgment dated 5.12.2018 passed in

petitioner's writ petition, is pending consideration before the Division Bench.

4. Mr. Mardia, learned counsel for the petitioner argued that in the light of the judgment dated 11.12.2019 passed in the case of State of Rajasthan &

Ors. Vs. Thawara Ram (SLP No.12884/2019) whereby the State's SLP has been rejected, the pendency of the intra-court appeal filed by the

respondent is "State is an empty formality and the petitioner is therefore, entitled for a direction to the respondents to accord him appointment.

5. Having regard to the facts obtaining and the submissions made, without observing anything about the competence or otherwise of the special appeal

filed by the respondent, this Court is of the view that the petitioner is entitled to appropriate direction.

6. The petition is therefore, allowed. The respondents are directed to accord appointment order to the petitioner, if petitioner is otherwise eligible,

within a period of four weeks from today.

7. Before the petitioner is allowed to join, the respondents may obtain an undertaking from the petitioner to the effect that in case the special appeal

preferred by the State is allowed and the order passed in petitioner's writ petition is reversed or otherwise modified, the petitioner shall be bound

by such order, subject of course to remedies available to him in accordance with law.

8. The stay application also stands disposed of accordingly. .