
(2014) 05 RAJ CK 0124
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3273/2014

Hari Prakash Harsh and Others

APPELLANT

Vs

Swami Keshwanand Rajasthan Agriculture University and
Others

RESPONDENT

Date of Decision : 22-05-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 05 RAJ CK 0124

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Mukesh Vyas, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Vineet Kothari, J.—The petitioners are aggrieved by the order Annex. 9 dtd. 3.4.2014, which is quoted below for ready reference:

2. The learned counsel for the petitioners, Mr. Mukesh Vyas submitted that the benefit of selection grade was given to the petitioners vide order dtd. 31.12.2013, Annex. 3 (SBCWP No. 3273/2014--Hari Prakash Harsh and ors. V/s. Swami Keshwanand Rajasthan Agriculture University), order dtd. 7.3.2014, Annex. 4 (SBCWP No. 3277/2014--K.S. Shekhawat and ors. V/s. Swami Keshwanand Rajasthan Agriculture University) and order dtd. 7.3.2014, Annex. 3 (SBCWP No. 3287/2014 --Kailash Kumar Purohit V/s. Swami Keshwanand Rajasthan Agriculture University, Bikaner) perfectly in accordance with law and therefore, there was no justification for keeping the same in abeyance, seeking to review the same subject to approval of the State Government. He also submitted that in similar writ petition No. 3575/2014--Ravinder Singh V/s. Swami Keshwanand Rajasthan Agricultural University, the coordinate bench of this Court has granted interim order on 12.5.2014 staying the effect and operation of the impugned order Annex. 9 dtd. 3.4.2014. The interim order dtd. 12.5.2014 reads as under:

Meanwhile, the effect and operation of order dated 03.04.2014 qua the petitioner shall remain stayed.

3. Having heard the learned counsel for the petitioner, this Court is of the considered opinion that the writ petition is misconceived and premature. The order Annex. 9 dtd. 3.4.2014 is only an interim order passed for awaiting the approval of the State Government and it has not so far withdrawn the orders earlier passed dtd. 31.12.2013, Annex. 3 (SBCWP No. 3273/2014--Hari Prakash Harsh and ors. V/s. Swami Keshwanand Rajasthan Agriculture University), order dtd. 7.3.2014, Annex. 4 (SBCWP No. 3277/2014--K.S. Shekhawat and ors. V/s. Swami Keshwanand Rajasthan Agriculture University) and order dtd. 7.3.2014, Annex. 3 (SBCWP No. 3287/2014--Kailash Kumar Purohit V/s. Swami Keshwanand Rajasthan Agriculture University, Bikaner) in favour of the petitioners granting them benefit of selection grade etc.

4. There is no occasion for the petitioners to approach this Court and invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India against the interlocutory order passed by the respondent--University and unless the final orders are passed by the respondent-University, if adverse to the petitioners, no cause of action arises to the petitioner to invoke the writ jurisdiction. The interim order quoted above qua that petitioner is not a final order and is, therefore, not a precedent for finally deciding the present writ petition. This Court cannot dispense with the requirement of respondent--University to seek necessary approval of the State Government for grant of selection scale to the petitioners.

5. Accordingly, the present writ petitions are dismissed as premature. No order as to costs. A copy of this order be sent to the parties concerned forthwith.