
(2014) 03 RAJ CK 0112
In the Rajasthan High Court
Case No : Civil Writ Petition No. 7824 of 2009

Hukma Ram

APPELLANT

Vs

Commissioner, College Education

RESPONDENT

Date of Decision : 21-03-2014

Acts Referred:

Citation : (2015) 1 CDR 131

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Ankur Mathur, Advocate for the Appellant; Digvijay Singh Jasol, Addl. Govt. Counsel, Advocate for the Respondent

Judgement

Vineet Kothari, J.—The petitioner was appointed on contractual basis as Teacher vide the order (Annex. 1) dated 02.07.2008 for a period of one year, however, by Affidavit (Annex. 2), the period of contract was restricted up to 28.02.2009. The petitioner filed the present writ petition in this Court on 30.07.2009 after about 5 months of the contractual period being over with a prayer that the affidavit obtained by him vide Annex. 2, deserves to be quashed since the period of contract could not be restricted. While issuing notices to the respondents, no interim relief was granted in favour of the petitioner protecting his services or continuation of his services and, therefore, admittedly the petitioner is out of said employment since 28.02.2009.

2. Mr. Ankur Mathur, learned counsel for the petitioner at this stage fairly pressed only this prayer that in the further selection process of direct recruitment on the said post of Teacher/Guest Faculty in the respondent Govt. College, Bhopalgarh, he may be given due weightage or some priority on the basis of one year's contractual service so rendered.

3. The respondents have opposed this writ petition by filing reply to the writ petition.

4. Having heard the learned counsel for the parties, this Court is of the view that

the present writ petition has become infructuous and there is no material available on record to confer any purported right upon the petitioner about any weightage or preference to be given in the fresh selection process, to be undertaken by the respondent-State for the said post on which the petitioner has served on contractual basis for the period up to 28.02.2009. The petitioner is, of course, free to participate in such fresh selection process whenever the same is undertaken but giving of any preference or weightage will naturally depend upon the terms and conditions of the fresh selection process to be undertaken by the State. Learned counsel for the petitioner has fairly submitted that if the regular recruitment process is held, the petitioner of course cannot claim any continuity of the contract period in preference over the regularly selection persons. The prayer of the learned counsel for the petitioner about giving of due weightage or preference will naturally depend upon the terms and conditions of the new selection process and if the State want to give any such preference or weightage to such persons, who have already worked for some period, the Court naturally doesn't negate the same in the case of the petitioner, however, in the absence of any such material placed on record, it is considered premature to direct the respondents to give such preference to the petitioner. With these observations, the writ petition is disposed of accordingly. No costs. A copy of this order be sent to the concerned parties forthwith.