
(2019) 01 RAJ CK 0022
In the Rajasthan High Court
Case No : Civil Writ No. 16817 Of 2018

Indra Kumar Rawal

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0022

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : D.K. Godara, Rakesh Arora, Naresh Singh

Final Decision : Allowed

Judgement

This writ petition has been filed by the petitioner seeking a direction to the respondents to change the category of the petitioner from Other Backward Class ('OBC') to Scheduled Caste ('SC') in the certificate pertaining to the Rajasthan Eligibility Examination for Teachers ('REET')-2017.

It is, inter alia, indicated in the writ petition that the petitioner appeared in REET-2017 and obtained 60.67% marks for Level-2. However, at the time of filing of the application form, the petitioner on account of inadvertence indicated his category as OBC, whereas the petitioner belongs to SC category. The petitioner made an application on 14.12.2017 i.e. before the test was held on 11.02.2018, however, as the time granted by the respondent-Board in this regard had already expired, the respondents have refused to change the category of the petitioner.

It is submitted that the mistake committed by the petitioner has been bonafide and, therefore, the respondents be directed to change the category of the petitioner in the certificate dated 31.07.2018

Learned counsel appearing for the respondents made submissions that after the time provided for change in category expired, the petitioner is not entitled for the

change of category, therefore the petition deserves to be dismissed.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

A perusal of the admit card of the petitioner (Annex.-3) indicates his category as OBC and the certificate also has been issued in the same category. The petitioner has placed on record certificate dated 09.10.2018 issued by the office of the SDO, Chhoti Sarvan, Banswara indicating that the petitioner belongs to SC category.

In view of the fact that the petitioner had made representation (Annex.-5) even before the test was held and even in the test, he obtained 60.67% marks, which are the passing marks even for General category candidates, apparently by change of category from OBC to SC insofar as passing of the REET-2017 examination is concerned, it cannot be said that the petitioner would gain any additional benefit and the claim of the petitioner cannot be termed as mala fide.

In view of the above fact situation, the writ petition filed by the petitioner is allowed. The respondent-Board is directed to change the category of the petitioner from OBC to SC for REET-2017 examination and issue amended certificate to the petitioner after undertaking due procedure.

The needful may be done by the respondent-Board within a period of three weeks from today.