
(2022) 04 RAJ CK 0117

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 15568 Of 2021

Jagdish Lal Ahir

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 27-04-2022

Acts Referred:

Citation : (2022) 04 RAJ CK 0117

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Pawan Singh, Utkarsh Singh, Sunil Beniwal

Final Decision : Allowed

Judgement

Arun Bhansali, J

This writ petition has been filed by the petitioner aggrieved against the order dated 19.8.2021 (Annex.7), whereby, the representation made by the petitioner seeking notional benefits from the date similarly situated persons to him were granted notional benefits and persons lower in merit to him, were accorded appointment, has been rejected by the respondents.

By order dated 5.3.2022 passed in SBCWP No.3137/2020 filed by the petitioner, a Coordinate Bench of this Court directed the respondents to consider the representation of the petitioner in this regard.

The competent authority, after considering the representation made by the petitioner, came to the conclusion that though the case of the petitioner is similar to one Satdev Singh v. State of Rajasthan & Ors.: S.B. Civil Writ Petition No.9899/2019, decided on 25.7.2020, however, as the appeal against the said judgment is pending consideration, it is only after the appeal is decided, it could be determined whether the petitioner would be entitled to notional benefits or not.

Learned counsel for the petitioner made submissions with reference to the orders

passed by other Zila Parishads (Annex.8) i.e. Zila Parishad, Sri Ganganagar and Zila Parishad, Dungarpur, that similarly situated candidates have been accorded notional benefits by relying on judgment in Nand Kishore Sharma & Ors. v. The State of Rajasthan & Ors. : S.B. Civil Writs No. 12109/2018, decided on 18.07.2018 and, therefore, there is no justification for the respondents in rejecting the representation of the petitioner only on the ground of pendency of appeal against the judgment in the case of Satdev Singh (supra).

Learned counsel for the State was granted time to find out whether the order in the case of Nand Kishore Sharma (supra) has been questioned in appeal or not, to which, learned counsel submits that no appeal has been filed.

A perusal of the orders (Annex.8) passed by the Zila Parishad, Sri Ganganagar and Zila Parishad, Dungarpur, clearly brings out that similarly situated candidates have been granted the notional benefits pursuant to the directions issued by the Court.

Learned counsel for the respondents attempted to make submissions that as the petitioner initially had not appeared for document verification, he was not entitled to grant of notional benefits.

However, a perusal of the order (Annex.R/1) dated 29.5.2018 produced by the respondents indicates that initially the respondents had taken a stand that those, who had not appeared in the initial document verification process, were not entitled for appointment even, however, after passing of the orders by the Court, the Circular dated 29.5.2018 was issued to accord appointments to the said candidates, however, no such restriction was indicated regarding the notional benefits in the Circular.

Further, as the similarly situated candidates have also been accorded notional benefits, there is apparently no reason for the respondents to deprive the petitioner of the same.

Consequently, the petition filed by the petitioner is allowed. The order dated 19.8.2021 (Annex.7) passed by the respondents is quashed and set aside and the respondent – Zila Parishad, Banswara, is directed to accord notional benefits to the petitioner, if he is otherwise entitled for the same.

Needful may be done by the respondents within a period of four weeks from the date of this order.