

(2013) 10 RAJ CK 0048

In the Rajasthan High Court

Case No : DB Civil Writ Petition No. 17736 of 2013

Kailash Chand Jangir and Another

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 03-10-2013

Acts Referred:

Citation : (2013) 10 RAJ CK 0048

Hon'ble Judges : J.K. Ranka, J;Ajay Rastogi, J

Bench : Division Bench

Advocate : Laxmikant Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

1. Instant joint petition has been filed by the petitioners who had participated in the selection process initiated by the respondent vide advertisement dt. 25.4.2013 for the post of Informatics Assistant. The post of Informatics Assistant is included in the Schedule appended to Rajasthan Computer State & Subordinate Service Rules, 1992 (Rules 1992) and is to be filled by direct recruitment and R. 18 of the Scheme of Rules provides syllabus holding examination for various post including the post of Informatics Assistant. However, in exercise of Power conferred under R.18, the State Govt. laid down syllabus for holding competitive examination and for Informatics Assistant the examination will be held in two parts; Part-I provides for written examination which included Aptitude test, General Awareness in Information Technology and fundamentals of computer and at the same time, Part-II was meant for speed test of typing bilingual (Hindi & English) of 120 marks and after clubbing marks secured by the incumbent in written examination and speed test the merit list was to be prepared of such of the participants participated in the selection process. As noticed amendment was made by the rule making authority under the schedule appended to R. 18 of the Rules 1992 for various post including the post of Informatics Assistant in exercise of power conferred under proviso to Art. 309 of the Constitution vide notification dt. 10.1.2013 according to which merit

of incumbent is now to be prepared on the basis of written examination only, however, one has to qualify the typing test as well.

2. The present petitioners had participated in the process of selection which was initiated by the respondent pursuant to advertisement dt. 25.4.2013 (Annx.1) and also appeared in the written examination followed by type test but did not find place in final list prepared on written examination which was circulated by the respondent vide their press note dt. 14.9.2013 (Annx.5) and after declared unsuccessful the petitioners have challenged the vires of syllabus laid down by respondent under the Scheme of Rules.

3. The main thrust of the submission of counsel for petitioner is that earlier under the Scheme of Rules the marks secured by the incumbent in the type test were included in the marks awarded in written examination for the purpose of final preparation of merit but after the amendment notification dt. 10.1.2013 marks of type test has not been included for the purpose of final merit which according to him is not in conformity with Art. 14 of the Constitution.

4. The submission is wholly bereft of merit for the reasons that earlier the rule making authority was of the view that the written test was to be followed by the type test for the purpose of selection process and marks awarded in the type test were included for preparation of final merit list but if the rule making authority by subsequent amendment notification dt. 10.1.2013 considered it appropriate that the marks awarded in the written test should only be the basis for preparation of merit list with qualifying the type test, we do not find any error in the decision making process of rule making authority in amending the Rules and it cannot be said to be discriminatory or violative of Art. 14 of the Constitution. The writ petition being devoid of merit accordingly dismissed.