

(2009) 01 RAJ CK 0002
In the Rajasthan High Court

Kamala Damore (Smt.)	Vs	APPELLANT
State of Rajasthan and Others		RESPONDENT

Date of Decision : 09-01-2009

Acts Referred:

Citation : (2009) 01 RAJ CK 0002

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Govind Mathur, J.—Despite service of notice, no body has put in appearance on behalf of the respondents.

2. In brief, facts of the case are that after qualifying Primary and Upper Primary School Teachers Competitive Examination, 2006, the petitioner was provisionally selected for appointment as Teacher Grade III. The selection aforesaid came to be rejected by the Rajasthan Public Service Commission on the count that the petitioner is not belonging to Tribal Sub Plan Area of the State of Rajasthan. Being aggrieved by the same, this petition for writ is preferred.

3. It is stated that the Sub Divisional Magistrate, Dungarpur on 15.09.2003 issued a domicile certificate mentioning therein that petitioner Smt. Kamala Damore W/o Shri Hemant Kumar is a resident of district Dungarpur, which is a part of Tribal Sub Plan Area. The petitioner has also placed on record a certificate issued by the Tehsildar, Dungarpur certifying that the petitioner is a member of Scheduled Tribe Community. On basis of the certificates aforesaid, it is contended that the petitioner is coming from Tribal Sub Plan Area and she herself is tribal, as such, cancellation of her selection is bad.

4. I have examined the record available.

5. The only reason given by the respondents for rejection of the petitioner's selection is that she is not belonging to Tribal Sub Plan Area and, therefore, she

does not come in IT/WE cut-off category. The petitioner is resident of district Dungarpur, as apparent from the certificate Annexure 1 issued by the Sub Divisional Magistrate, Dungarpur. The certificate issued by the Tehsildar, Dungarpur also establishes tribe belonging of the petitioner. It appears from Annexure 4 that prior to marriage, the petitioner was residing at village Kalwas in Gram Panchayat Kanpur, Panchayat Samiti Kherwara. The fact as to whether the village aforesaid is part of Tribal Sub Plan Area is not required to be verified as this Court in Vandana Ninama v. RPSC, Ajmer and Anr. SBCWP No. 6861/2007 decided on 23.10.2008 has already taken a view that a married lady having a domicile certificate relating to her residence in tribal sub plan area is required to be treated as a bonafide resident of that area and all benefits connected thereto must be extended in her favour. In view of it, the petitioner who is also having a domicile certificate regarding her residence in Tribal Sub Plan Area is required to be considered as a person belonging to that area only.

6. For the reason whatever stated above, this petition for writ is allowed. The respondents are directed to consider candidature of the petitioner for the purpose of appointment to the post of Teacher Grade III and in the event, she stands in merit relating to the candidates belonging to Tribal Sub Plan Area and is otherwise eligible, appointment be accorded to her on the post concern within a period of three months from the date the petitioner serves a certified copy of this order upon the respondents Nos. 2 and 3.