
(2019) 02 RAJ CK 0025
In the Rajasthan High Court
Case No : Civil Writ No. 17951 Of 2018

Karamjeet Singh

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 04-02-2019

Acts Referred:

Citation : (2019) 02 RAJ CK 0025

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Navneet Singh Birkh

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner seeking a direction to the respondents to calculate bonus marks as per his experience and accord him appointment on the post of Nurse Gr.-II.

The petitioner applied for the post of Nurse Gr.-II pursuant to the advertisement dated 26.02.2013. In the advertisement, provisions were made for providing bonus marks based on the past experience of the candidates.

When the petitioner was not accorded the bonus marks and his name did not appear in the list of successful candidates, the petitioner approached Bench of this Court at Jaipur by filing S.B.C.W.P. No. 1406/2016, which writ petition was decided on 02.02.2016 giving liberty to the petitioner to make a representation to the respondents in light of judgment of this Court in Madhubala v. State of Rajasthan & Anr. : S.B.C.W.P. No. 8752/2013, decided on 22.07.2013.

Pursuant thereto, the petitioner filed his representation, which was decided by the respondents by order dated 28.04.2016 (Annexure-10), inter alia, observing as under:-

"विभाग द्वारा नर्सिंग भर्ती-2013 में माननीय न्यायालय जयपुर द्वारा पारित निर्णय दिनांक 18.11.2013 की पालना में अन्य राज्यों में एनआरएचएम योजना में कार्यरत संविदाकर्मियों को अनुभव का लाभ संबंधित राज्य के परियोजना

निर्देशक, एनआरएचएम द्वारा जारी अनुभव प्रमाण पत्र पर संबंधित राज्य के ही मिशन निर्देशक के प्रतिहस्ताक्षर किये जाने पर अनुभव का लाभ दिया गया है।

याचिकाकर्ता द्वारा याचिका के साथ चिकित्सा हेल्थ केयर लि. (निजी संस्थान) द्वारा 108 योजना में कार्यरत होने का अनुभव प्रमाण पत्र लगाया है जो संबंधित राज्य के परियोजना निर्देशक, एनआरएचएम द्वारा जारी नहीं होने एवं ना ही संबंधित राज्य के ही मिशन निर्देशक, एन.एच.एम. के प्रतिहस्ताक्षर होने के कारण याचिकाकर्ता को अनुभव का लाभ देय नहीं है।

अतः माननीय उच्च न्यायालय, जयपुर द्वारा पारित निर्णय दिनांक 02.02.2016 की पालना में याचिकाकर्ता द्वारा प्रस्तुत अभ्यावेदन दिनांक 16.03.2016 एतद् द्वारा निरस्त किया जाता है।"

Feeling aggrieved by the said rejection dated 28.04.2016, the present writ petition has been filed on 19.11.2018.

It is submitted by learned counsel for the petitioner that rejection of petitioner's representation, refusing him bonus marks, by the respondents by order dated 28.04.2016 (Annexure-10) is incorrect, inasmuch as, similarly situated candidate, who had produced a certificate (Annexure-8) has been granted the benefit.

Based on the certificate dated 20.12.2017 (part of Annexure-4 page 43) it is claimed that the certificate of the petitioner is similar to that of the certificate produced as Annexure-8 and, therefore, the rejection of the petitioner's candidature by the respondents is not justified.

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

After the order was passed by this Court at Jaipur Bench, the Additional Director (Administration) by his order dated 28.04.2016 (Annexure-10) came to the conclusion that the petitioner had filed the experience certificate of Ziqitza Health Care Ltd., which was neither issued by the Project Director, NRHM nor the same was counter signed by the said Project Director, which was required for according benefit to the candidates, who claimed experience from other States and, consequently, rejected the representation made in this regard.

Now based on a certificate obtained by the petitioner on 20.12.2017 from the office of Senior Medical Officer, CHC Khui Khera (Fazilka), the order dated 28.04.2016 is sought to be contested by the petitioner being contrary to the benefit given to another candidate vide Annexure-8, which certificate was issued by the Senior Medical Officer, CHC, Longowal.

As already noticed, the order impugned was passed by the Additional Director (Administration) on 28.04.2016, petitioner whereafter has obtained the certificate (part of Annexure-4) and based on such certificate is seeking to question the validity of the order dated 28.04.2016, which cannot be justified in any manner. The order Annexure-10 admittedly has been passed based on the material, which was produced by the petitioner before the authorities, which was

a certificate issued by the private institutions and as the same did not fulfill the requirements, the representation was rightly rejected by the respondents.

Besides the above, the representation was rejected on 28.04.2016, the petitioner obtained the certificate (part of Annexure-4) on 20.12.2017 and has filed the writ petition on 19.11.2018 without approaching the respondents and regarding the delay no explanation worth the name, has been indicated in the writ petition, which clearly shows that the petitioner is only seeking to take chance in approaching the Court.

In view of the above discussion, the order Annexure-10 dated 28.04.2016 passed by the respondents rejecting the representation of the petitioner cannot be faulted based on the plea now sought to be raised in the present writ petition.

There is no substance in the writ petition and the same is, therefore, dismissed.