

(2025) 07 RAJ CK 0618

In the Rajasthan High Court, Jaipur Bench

Case No : Civil Writ Petition No. 13803 Of 2024

Kartikey S/o Ramchandra

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 10-07-2025

Acts Referred:

Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 — Rule 16

Citation : (2025) 07 RAJ CK 0618

Hon'ble Judges : Avneesh Jhingan, J;Bhuwan Goyal, J

Bench : Division Bench

Advocate : Abhishek Sharma, Vishnu Kant Sharma

Final Decision : Allowed

Judgement

Avneesh Jhingan, J

1. This petition is filed seeking directions to appoint the petitioner on the post of Stenographer Grade-III (Hindi) (hereinafter referred to as 'Stenographer') in pursuance to the advertisement dated 28.07.2023.

2. The facts are that the advertisement dated 28.07.2023 was issued under the Rajasthan District Courts Ministerial Establishment Rules, 1986 (for short '1986 Rules') for recruitment on various posts. The petitioner who is specially abled person applied under the category of physically handicapped (low vision) for the post of Stenographer. The petitioner appeared in the examination, as per result sheet, shorthand speed was 50.167 words per minute (for short 'WPM'); got 66.667 marks in shorthand; 23.475 for speed and 31 marks in efficiency test. The petitioner was not called for interview for not having requisite speed in hindi shorthand test. The representation was made by the petitioner to the Chief Justice of the Rajasthan High Court with a request to give appointment and after serving a legal notice dated 10.07.2024, the writ petition was filed.

3. Learned counsel for the petitioner argues that the petitioner had secured more than the qualifying marks in speed and efficiency test and there were no

minimum qualifying marks prescribed for hindi shorthand test, the respondent erred in not appointing the petitioner. The contention is that the vacancies reserved for physically handicapped category are still vacant. Further that the merit list was to be prepared considering the marks in hindi shorthand, speed and efficiency test, the petitioner had secured more than minimum required marks and in the absence of any other candidate securing higher marks, the petitioner should have been appointed.

3.1. The argument is that in Rule 10 of 1986 Rules the word 'must have passed' be read as 'might have passed'.

4. As per contra, the respondent is relying upon evaluation of marks in hindi shorthand test which is not equivalent for determination of the speed of shorthand. The mandatory requirement for appointment to the post of Stenographer is to pass speed test at

70 WPM in hindi shorthand but the petitioner failed in test. Reliance is placed upon Rule 10 of the 1986 Rules and Clause 14 of the Advertisement.

5. Before proceeding further, it would be relevant to quote relevant portion of the advertisement and Rule 10 of the 1986 Rules:-

"10. Academic Qualifications:- (1) A candidate for direct recruitment to the Stenographer Grade – I/Stenographer Grade-III s' Cadre (Subs.):-

(a) must have passed the Senior Secondary Examination in Arts or Science or Commerce of the Rajasthan Board of Secondary Education or an Examination equivalent thereto recognized by the Government or any Higher Examination. (Subs)

(b) must have passed a [deleted] speed test :-

"(i) in the case of Stenographer Grade-III

Either at 80 words per minute in English Shorthand or at 70 words per minute in Hindi Shorthand,

(ii) in case of Stenographer Grade-II either at 85 words per minute in English Shorthand and 8000 key depressions per hour in English Typing on computer

or at 75 words per minute in Hindi Shorthand and 8000 key depressions per hour in Hindi Typing on computer"

Deleted [proviso]

(c) must possess a good working knowledge of Hindi as written in Devanagri script & of Rajasthani Dialects."

xxx xxx xxx

6. The advertisement dated 28.07.2023 was issued under the 1986 Rules and the petitioner applied for the post of Stenographer. The advertisement provided

that as per scheme and syllabus of the examination, the petitioner had to undergo hindi shorthand test-Group B and computer test provided in Group C. In hindi shorthand test-Group B, a passage was to be dictated for six minutes at speed of 70 WPM. The dictated paragraph/passage was to be transcribed in hindi, typed on computer and the marks were to be assessed out of 100. The speed and efficiency test was for fifty marks each and the minimum qualifying marks for physically handicapped category were twenty in each exam.

7. The method of evaluation of marks and assessment of the speed was prescribed by formulas given in the advertisement. The marks secured by the petitioner are reproduced in tabular form:-

8. The petitioner secured total 121.142 marks including marks secured in shorthand, speed and efficiency test. The petitioner secured more than the qualifying marks in speed and efficiency test but shorthand speed of the petitioner was determined 50.167 WPM, whereas the candidate had to pass hindi shorthand test with speed of 70 WPM.

9. The appointments of the Stenographers are governed by 1986 Rules. The mandatory condition provided under Rule 10 is that the candidate must have passed the speed test at 70 WPM in hindi shorthand. The shorthand speed of the petitioner was assessed 50.167 WPM and was not possessing the requisite qualification for appointment of Stenographer.

10. It is rightly contended by the petitioner that there are no minimum qualifying marks prescribed for hindi shorthand test but this cannot be considered in vacuum, ignoring that there is requisite of passing hindi shorthand test with speed of 70 WPM.

11. The distinction between assessment of the speed of shorthand test and the marks obtained in shorthand test is evident by the separate formulas provided in the advertisement for assessing the speed and evaluation of marks.

12. The pin pointed controversy involved is whether the petitioner was eligible for consideration for appointment on the post of Stenographer inspite of having hindi shorthand speed of less than 70 WPM as required under Rule 10 of 1986 Rules.

13. The claim of petitioner for appointment as Stenographer on securing 121.142 marks lacks merit. The petitioner failed to pass hindi shorthand test at required speed of 70 WPM and consequently does not possess the required qualification for appointment.

14. The contention of learned counsel for the petitioner that the word 'must' in Rule 10 of the 1986 rules be read as 'might' is noted to be rejected. The heading of Rule 10 is 'Academic Qualifications' and one of the prescribed qualifications to be possessed by a candidate for direct recruitment to the post of Stenographer is to pass speed test of 70 WPM. The language of Rule 10 of the 1986 Rules is clear and unambiguous. According to rules of interpretation, plain meaning is to be

given to the provisions. The violence to the language is only in exceptional cases where the purpose or intention of the provision is defeated on the plain reading of the provision.

15. Reference in this regard be made upon judgment of the Supreme Court in Raghunath Rai Bareja and Ors. Vs. Punjab National Bank and Ors. reported in (2007) 2 SCC 230. Relevant part of the judgment is quoted hereunder:-

"40. It may be mentioned in this connection that the first and the foremost principle of interpretation of a statute in every system of interpretation is the literal rule of interpretation. The other rules of interpretation e.g. the mischief rule, purposive interpretation, etc. can only be resorted to when the plain words of a statute are ambiguous or lead to no intelligible results or if read literally would nullify the very object of the statute. When the words of a statute are absolutely clear and unambiguous, recourse cannot be had to the principles of interpretation other than the literal rule vide *Swedish Match AB V. Securities and Exchange Board of India* (2004) 11 SCC 641. As held in *Prakash Nath Khanna Vs. CIT* (2004) 9 SCC 686, the language employed in a statute is the determinative factor of the legislative intent. The legislature is presumed to have made no mistake. The presumption is that it intended to say what it has said. Assuming there is a defect or an omission in the words used by the legislature, the court cannot correct or make up the deficiency, especially when a literal reading thereof produces an intelligible result, vide *Delhi Financial Corpn. V. Rajiv Anand* (2004) 11 SCC 625. Where the legislative intent is clear from the language, the court should give effect to it, vide *Govt. of A.P. Vs. Road Rollers Owners Welfare Assn.* (2004) 6 SCC 210 and the court should not seek to amend the law in the garb of interpretation."

16. Securing of 121.142 marks by the petitioner and the vacancies in the physically handicapped category lying vacant, shall not create a vested right for the petitioner to be appointed. The petitioner had not passed the hindi shorthand test at 70 WPM and was rightly not named in the provisional and final selection list.

17. No case is made out for interference in the writ jurisdiction.

18. The writ petition is dismissed.