
(2020) 01 RAJ CK 0101
In the Rajasthan High Court
Case No : Civil Writ Petition No. 861 Of 2020

Kavita Rao

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 21-01-2020

Acts Referred:

Rajasthan Educational Service Rules, 1970 — Rule 19(2)

Citation : (2020) 01 RAJ CK 0101

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Vikram Singh Bhati

Final Decision : Dismissed

Judgement

1. The present writ petition has been filed by the petitioner feeling aggrieved of the communication dated 18.11.2019, issued by the Rajasthan Public Service Commission, whereby petitioner's candidature has been rejected, as she had acquired requisite educational qualification on 25.07.2019, after the date of examination.

2. The facts in brief, are that the petitioner applied for the post of Senior Teacher, pursuant to advertisement dated 09.04.2018. As a part of the selection process, the petitioner appeared in written examinations, which were held on 28.10.2018; the result of such examination was declared on 20.07.2019 and the petitioner was called for documents verification on 18.11.2019.

3. When the petitioner appeared for document verification, the respondent - Board found that petitioner's mark-sheet of Bachelor of Education was issued on 25.07.2019, whereas according to the terms of advertisement, the petitioner was to secure by 29.10.2018.

4. Mr. Bhati, learned counsel for the petitioner, submitted that though the condition of the advertisement required the candidate to complete the requisite educational qualification by the date of written examination, however, since the

qualification was required to be seen at the time of counseling/document verification, the relevant date should be the date of document verification and not the date of written examination.

5. Having made the above submission, he argued that since petitioner had completed her B.Ed. on 25.07.2019, before the documents verification (18.11.2019), her candidature ought not to have been rejected.

6. This Court is of the opinion that the condition of the advertisement clearly required a candidate to acquire the educational qualification by the date of written examination. The petitioner had submitted her application form while she was pursuing her Bachelor of Education.

7. Going by the terms of the advertisement, admittedly, the petitioner has not completed her Bachelor's Degree by the date of written examination, i.e. 29.10.2018, no fault can be found in the order dated 18.11.2019 rejecting petitioner's candidature.

8. The argument advanced by Mr. Bhati that since the degree is to be seen at the time of documents verification, the relevant date must be the date of documents verification and not the date of written examination, is not tenable.

9. It is for the respondents to fix an eligibility criteria and a cut-off date for completion of the required educational qualification. The condition aforesaid is in conformity with the proviso to Rule 19(2) of the Rajasthan Educational Service Rules, 1970.

10. This Court hardly finds any substance in the present writ petition, for which it is hereby dismissed.

11. The stay application also stands dismissed.