
(2001) 01 RAJ CK 0061
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2576 of 2000

Ku. Veena Bose

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 03-01-2001

Acts Referred:

Citation : (2002) 93 FLR 711 : (2001) 2 RLW 737 : (2001) 1 WLC 599 : (2001) 1 WLN 486

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Advocate : M.L. Kala, for the Appellant; Ravi Bhansali, for the Respondent

Judgement

Shethna, J.—Admittedly the petitioner Km. Veena Bose is not a bonafide resident of Rajasthan. She is from Kerala. Notification dated 4.9.1999 (Annex.1) issued by the Director, Medical and Health Services, Rajasthan, Jaipur for selection of Female Health Workers" Training Course, 2000 clearly states that in selection, priority will be given to the residents of State of Rajasthan but nothing more than that. In pursuance of that notification (Annex. 1) the petitioner applied and she was selected and placed at serial No. 3 in the list of 21 selected candidates. Copy of the order dated 5.4.2000 is at Annex. 2. She has joined training on 6th April, 2000. At the time of joining her training, she has also produced her O.B.C. certificate. Till 17th June, 2000 she continued her training but all of sudden Chief Medical & Health Officer (C.M.H.O.), Sirohi by his order dated 17.6.2000 (Annex. 4) cancelled her selection and discontinued her training.

(2). Before approaching this Court by way of this writ petition, she made unsuccessful representations to C.M.H.O., Sirohi as well as higher authorities, therefore, she has filed this writ petition.

(3). This petition was required to be allowed on two grounds (i) that the impugned order (Annex.4) was passed without extending any opportunity of hearing to the petitioner and (ii) that on the face of it, it was bad in law and

illegal because for no fault of her, her selection was cancelled.

(4). When a person is duly selected by the authorities then his or her selection cannot be cancelled subsequently on the ground that he or she had not produced the certificate of bonafide resident of Rajasthan. Admittedly, she was not a bonafide resident of Rajasthan, therefore, there was no question of producing such certificate. Knowing fully well that she is not a resident of Rajasthan still she was selected. The notification Annex. 1 only says that the priority will be given to those who are resident of Rajasthan and nothing more than that. If any person outside the Rajasthan having outstanding record being selected then later on his or her selection cannot be cancelled on this ground.

(5). From the reply affidavit it is clear that the impugned order at Annex. 4 came to be passed mechanically on direction/instructions received from the Directorate, Medical and Health Services, Jaipur to rescrutinise the applications and ensuring admissions strictly according to the notification while preparing a list of the candidates irrespective of reservation. Actually it was done at the time of first selection, therefore, the second exercise was not permissible.

(6). In view of the above discussion, this petition is allowed. The impugned order dated 17.6.2000 (Annex. 4) cancelling her selection and training is hereby quashed and set aside. The respondents are directed to permit her training course of Female Health Worker as if the impugned order Annex. 4 was never passed. The stay petition is also disposed of.