
(2017) 02 RAJ CK 0020
In the Rajasthan High Court
Case No : 841 of 2016

Kushal Veer Singh S/o Balbir Singh

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 02-02-2017

Acts Referred:

Citation : (2017) 02 RAJ CK 0020

Hon'ble Judges : Govind Mathur, G.R. Moolchandani

Bench : DIVISION BENCH

Advocate : Kant Verma

Judgement

1. This appeal is preferred to question correctness of the order dated 20.09.2016 passed by learned Single Bench in S.B. Civil Writ Petition No.5301/2016.

2. In brief, facts of the case are that the respondent-Rajasthan Public Service Commission initiated a process of recruitment for the post of Motor Vehicle Sub-Inspector under an advertisement dated 06.08.2013. The appellant-petitioners, considering themselves to be a member of Other Backward Class (OBC) submitted application forms with a claim for their consideration as persons belonging to OBC, but that was denied in view of the judgment given by a Division Bench of this Court in D.B. Civil Special Appeal (W) No.340/2016. In the case aforesaid it was held that the persons belonging to Jat Community hailing from District Bharatpur and Dholpur cannot be treated as members of OBC.

3. To challenge the decision of the respondents relating to the exclusion of the appellant-petitioners from consideration as the persons belonging to OBC, a petition for writ was filed that came to be dismissed under the judgment impugned. The claim of the appellant-petitioners, before learned Single Bench, was that the judgment of the Division Bench came subsequent to the initiation of the process of consideration therefore that could not have been applied to petitioners. It was also stated that even the Division Bench under the judgment dated 02.06.2006, protected the rights of the persons who were already considered as a member of OBC those belonging to the Districts of Bharatpur and Dholpur. Before us the same arguments are retreated.

4. We do not find any merit with the same. It is not in dispute that the appellant-petitioners are residents of either the District of Bharatpur or of Dholpur and as such they are not entitled to be considered as a persons belonging to OBC.

5. So far as their consideration before 02.06.2016 is concerned, it is suffice to mention that till then the process of selection in question was in currency and the consideration was partial. In the case that came to be decided on 02.06.2016, a Division Bench of this Court, protected candidature of the persons who have already availed the benefits of reservation and that is not the position in the instant matter. In view of it, we do not find any merit in the arguments advanced. In view of it, this appeal deserves dismissal. Accordingly, the same is dismissed.

6. At this stage, learned counsel appearing on behalf of appellant submits that in the writ petition the petitioner also contended that this case should have been considered in General Category and necessary recommendations should have been made by the Commission within a period of one year from the date of

completion of the process of selection but that argument has not been considered by learned Single Bench. If that is so, it is open for the appellant-petitioner to prefer an application to review the order passed by learned Single Bench.