

(2020) 02 RAJ CK 0241
In the Rajasthan High Court
Case No : Spl. Appl. Writ No. 987 Of 2019

Lalita Kunwar Chouhan

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 12-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0241

Hon'ble Judges : Sandeep Mehta, J;Vijay Bishnoi, J

Bench : Division Bench

Advocate : Paramveer Singh, Manish Vyas

Judgement

1. The instant special appeal (writ) has been preferred by the petitioner being aggrieved of the order dated 13.05.2019 passed by learned Single Bench of this Court in S. B. Civil Writ Petition No.13605/2018 : Lalita Kunwar Chouhan vs State of Rajasthan & Ors., whereby the prayer made by the petitioner seeking a direction to the respondents to consider her candidature for the post of Teacher Grade III (Level-II) Subject Science & Maths in the TSP category was rejected.

2. We have heard and considered the submissions advanced at Bar and have gone through the material available on record. 3. It is an admitted position evident from record that the recruitment advertisement was published in the newspaper on 31.07.2018. The petitioner filled in her online application form on 11.08.2018 in the Non-TSP category. The petitioner obtained 74.14% Marks in the written examination held for selection. The respondents declared the result vide notification dated 03.09.2018 wherein the cut-off for TSP General category was declared as 65.52 and for the Non-TSP General category, it was fixed at 75.17. The petitioner claims that she

belatedly realized that a notification dated 19.05.2018 had been issued by the State Government whereby the scheduled areas had been altered and the area where the petitioner hailed from had been covered within the Scheduled Area and thus, she could have applied in the TSP category. Feigning ignorance of this notification at the relevant point of time, the petitioner prayed that she may be permitted to change her category from Non-TSP to TSP Area. The petitioner also asserted in the writ petition that the advertisement was misleading as it was silent on the aspect that the persons who were covered by the notification dated 19.05.2018 could apply for the TSP category. It was prayed that the petitioner had secured well above the cut-off marks declared for the TSP category and as she hails from a TSP area, her candidature should be considered in the said category.

4. The learned Single Bench examined the controversy in extenso and held that the plea put forth by the petitioner in the writ petition that she was unaware of the notification dated 19.05.2018 was inconsequential because there was a legal presumption that everyone would have to be aware of a notification published in the Gazette of India and that knowledge of such publication would be ascribed to all. Learned Single Judge also held that the plea of the petitioner that the recruitment advertisement was misleading because the import of the notification dated 19.05.2018 was not mentioned therein was also untenable and not available to the petitioner because she herself feigned ignorance to the said notification. Despite being a resident of TSP Area, the petitioner consciously applied in the Non-TSP category and thus, the learned Single Bench held that there was no reason to permit the petitioner for change in her category after declaration of the result of the written examination.

5. In view of the facts noted above and after appreciating the arguments advanced by the appellant's counsel, we are of the firm opinion that the view taken by the learned Single Bench while rejecting the writ petition of the petitioner does not suffer from any infirmity whatsoever and is rather the only permissible conclusion in the given facts of the case. The petitioner has based on her relief on the averment that she was unaware of the notification dated 19.05.2018 but the notification having been published in the Official Gazette of India, the knowledge thereof can be ascribed to all citizens of the country as ignorance of law is never a valid defence. The

impugned order dated 13.05.2019 does not suffer from any infirmity or illegality whatsoever warranting interference. Therefore, we find no reason to entertain this special appeal (writ) which is dismissed as being devoid of merit.