

(2017) 03 RAJ CK 0087
In the Rajasthan High Court
Case No : 4352 of 2017

Madan Lal Jakhar S/o Puran Chand

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 25-03-2017

Acts Referred:

Citation : (2017) 03 RAJ CK 0087

Hon'ble Judges : Kanwaljit Singh Ahluwalia

Bench : SINGLE BENCH

Advocate : Shovit Jhajhari, M.F. Baig

Final Decision : Disposed

Judgement

1. The learned counsel for the petitioners contended that the petitioners in pursuance of Advertisement dated 28.4.2016, have undertaken Rajasthan State and Subordinate Service Combined Recruitment Examination, 2016. The learned counsel for the petitioners has contended that a bunch of sixteen writ petitions, lead case being SBCWP No.13269/ 2016, Narendra Kumar Sharma & Ors. vs. The State of Rajasthan & Anr ., were decided on 16.11.2016 and then Expert Committee was constituted to examine the questions disputed by the candidates.
2. It is undeniable fact that in pursuance of the order dated 16.11.2016, passed in the case of Narendra Kumar Sharma (supra), the Expert Committee was constituted.
3. The learned counsel for the petitioners has submitted

that even though the Expert Committee has given answers in favour of the petitioners to the earlier litigation, RPSC ignored the report of the Expert Committee and had not revised the result.

The learned counsel for the petitioners contended that subsequently, another writ, SBCWP No.643/ 2017, Shivram Singh Choudhary vs. The State of Rajasthan was filed in this Court and same was dismissed by the co-ordinate Bench on 13.1.2017. It is further contended that the order passed by the co-ordinate Bench was upheld by the Division Bench of this court on 19.1.2017 in D.B. Civil Special Appeal (W) No. 64/ 2017, Shivram Singh Choudhary vs. The State of Rajasthan & Anr.

It is further contended that aggrieved against the order passed by the co-ordinate Bench on 13.1.2017 and the order dated 19.1.2017 passed by the Division Bench, the petitioner Shivram Singh Choudhary had approached the Supreme Court by filing Special Leave to Appeal (C) No. 3595/2017 and the Supreme Court on 10.3.2017, had passed the following order:-

"The main contention of the learned counsel for the petitioners is that the Report of the Expert Committee was not shown to the High Court and to the parties, and the judgment has rendered based on the submission that the Committee has taken the

view against the petitioners.

Learned counsel for the respondents has produced a copy of the Report of the Expert Committee before this Court.

Having gone through the Report, we are, prima facie, of the view that there is some force in the contention raised by the learned counsel for the petitioners.

We are informed that the final examination is to take place on 27/28, March, 2017. Therefore, the respondents are directed to permit the petitioners before this Court to appear in the final examination, subject to further orders from this Court.

Post after six weeks."

4. It is urged by the learned counsel for the parties that

the petitioners are similarly situated and their case cannot be distinguished from the case of Shivram Singh Choudhary, who has preferred Special Leave to Appeal before Supreme Court.

5. Mr. M.F. Baig, the learned counsel for the respondent could not distinguish the case of the petitioners. During the course of arguments, the learned counsel for the parties are in agreement that parties to the present writ petition shall abide by the decision of the Supreme Court to be rendered in the case of Special Leave to Appeal (C) No.3595/2017.

6. Consequently, the present writ petition is disposed of by issuing following directions:-

- i) That the petitioners shall be permitted by the respondent RPSC to appear in the final examination in terms of the order dated 10.3.2017 passed by the Supreme Court, reproduced above, subject to final orders to be passed by the Supreme Court in Special Leave to Appeal (C) No.3595/ 2017, Shivram Singh Choudhary vs. State of Rajasthan .
- ii) That the parties to the present writ petition shall abide by the outcome of Special Leave to Appeal (C) No.3595/ 2017, Shivram Singh Choudhary vs. State of Rajasthan .