
(2009) 12 RAJ CK 0027
In the Rajasthan High Court

Mahiram Bishnoi	Vs	APPELLANT
State of Rajasthan and Others		RESPONDENT

Date of Decision : 15-12-2009

Acts Referred:

Citation : (2010) 1 WLN 252

Hon'ble Judges : P.C. Tatia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prakash Tatia, J.—Heard learned Counsel for the petitioner.

2. The petitioner was appointed as Shiksha Sahayogi vide letter dated 30th May, 2002 and he was informed that after 29th May, 2002 no appointment would be given on the basis of the circular issued by the State Government dated 30th April, 2001 and no selection will be made as per the circular. That direction was issued in view of the stay order passed in SBCWP No. 1659/2002 Ravindra Singh v. State of Rajasthan and Ors. dated 29.5.2002. The petitioner aggrieved against that circular of the State Government preferred writ petition before this Court which is SBCWP No. 3612/2003. The petitioner's writ petition was allowed on 1.8.2006, however direction issued in the said judgment were not complied with, therefore, the petitioner submitted a contempt petition being SBCCP No. 69/2007 and then only, the petitioner was permitted to join on the post of para-teacher by order dated 20th April, 2009. During this period, some posts were advertised for the post of Prabodak in the year 2008. The petitioner did not apply for the post of Prabodak because at that time, the petitioner had no order of appointment of para-teacher.

3. Learned Counsel for the petitioner submits that the petitioner could not apply for the post of Prabodak because of none of fault of the petitioner and it was because of the fault of the respondents that he could not apply. It is submitted that in judgment delivered in the case of Suresh Chandra Sharma v. State of

Rajasthan and Ors. SBCWP No. 5580/2008, decided on 21.1.2009 when court found that there was no fault of the petitioner of that writ petition then he cannot be denied the relief because of the fault of the respondents and, therefore, the respondents were directed to consider the candidature of the said Suresh Chandra Sharma for appointment to the post of Prabodak.

4. The contention of the learned Counsel for the petitioner may be attractive but on facts, the petitioner cannot take help of the judgment of Suresh Chandra Sharma(supra) as the petitioner even during contesting his case against the respondents for getting appointment to the post of para-teacher could have applied for the post of Prabodak also and if petitioner's that application would have been rejected on account of fact that he is not possessing the requisite experience or qualification then the issue could have been kept alive by the petitioner. In this case, the petitioner who did not apply voluntarily for the post of Prabodak cannot put burden upon the respondents that because of their fault, the petitioner was deprived from applying for the post of Prabodak. Any action can have its consequence to the reasonable extent, but cannot be stretched beyond reasonableness. The respondents if have not acted in time and did not give appointment to the petitioner on the post of para-teacher then they can be directed to give appointment on the post of para-teacher, but no more relief can be granted.

5. In view of the above reasons, I do not find any merit in this writ petition and the same is hereby dismissed.