
(2011) 01 RAJ CK 0084
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6514 of 2006

Mamta Meena

APPELLANT

Vs

Rajasthan Public Service Commission

RESPONDENT

Date of Decision : 05-01-2011

Acts Referred:

Citation : (2011) 01 RAJ CK 0084

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mohammad Rafiq, J.—At joint request, instant petition since involve identical controversy, was finally heard together and are being disposed of by this order at admission stage.

2. Instant petition has been filed by Petitioner who is members of Scheduled Tribe category, seeking her fair consideration for selection to the post of School Lecturer (Home Science) pursuant to advertisement No. 3/2004-05 dt.18/08/04.

3. Counsel for Petitioner submits that controversy raised in instant petitions has been decided by this Court on 25/09/08 in CWP-7789/2006 (Smt. Jaya v. State 2009 WLC 3 while observing ad infra:

16. After scrutiny of Scheme of Rules, reference whereof is made (supra), in the opinion of this Court, Graduate with Home Science certainly includes "Home Science" as one of subjects at the level of Graduation and not Graduate in Home Science and this Court is not supposed to substitute words having not been used by Rule making authority in statutory Rules, 1970.

(17). Indisputably Petitioner is Graduate with Home Science as one of optional subjects in degree course besides holding post graduate qualification with Degree in Education; for whom, five years" teaching in Home Science is not eligibility condition as required under Note-1 (supra) appended to Rules, 1970.

4. It has not been disputed by learned Additional Advocate General that the issue herein is covered by judgment (supra).

5. Consequently, writ petition is hereby allowed in terms of decision (supra) of this Court in Smt. Jaya v. State 2009 WLC 3 and Petitioner is considered to be eligible by invoking Note-1 appended to Schedule to Rules, 1970 for the post of School Lecturer (Home Science) in pursuance of advertisement dt.18/08/04 and Respondent-RPSC is directed to allow Petitioner to participate in further process of selection (interview) and if found suitable, she be considered for appointment in accordance with Rules. Compliance of directions, ibid, be ensured by Respondents within four months. No costs.