

(2018) 04 RAJ CK 0161

In the Rajasthan High Court

Case No : Spl. Appl. Writ No. 632 of 2008

**Meetha Nath, Meethesh Nirmohi @APPELLANT@Hash State of Rajasthan
& Ors.**

Date of Decision : 10-04-2018

Acts Referred:

Citation : (2018) 04 RAJ CK 0161

Hon'ble Judges : PRADEEP NANDRAJOG, CJ;VINIT KUMAR MATHUR, J

Bench : Division Bench

Advocate : Hukum Singh, Bhavit Sharma, Tarun Joshi, Khet Singh

Final Decision : Dismissed

Judgement

1. Request made for adjournment on account of non-availability of Senior Counsel is declined for the reason the appeal pertains to the year 2008 and apart from there being no merit in the appeal, another reason to dismiss the appeal would be that the appellant is aged 63 years today and even if he were to succeed no relief can be granted to him because he has crossed the age of superannuation.

2. Relevant facts are that advertisement No.5/90-91 was issued by RPSC inviting applications from eligible candidates to be appointed as Public

Relation Officer in the Department of Information and Public Relations, Government of Rajasthan. Five vacancies were notified to be filled up out of

which one was reserved for member of a Scheduled Caste and one for a member of the Scheduled Tribe.

3. The appellant applied. After screening he was enlisted to be interviewed. 15 persons qualified at the screening. The reason to restrict 15 persons

qualified was the requirement of three times the vacancies as per the Rule applicable.

4. The appellant was to appear at the interview comprising three member Board: Shri G.P.Pilania, Shri R.S.Gupta and Shri D.N.Upadhyay.

5. The appellant was not called for interview on the ground taken that he did not have the requisite five years experience as a journalist or sub-editor

of any state or a national level newspaper. Name of respondent No.4 was included in the list at S.No.15. Appellant challenged the rejection of his

application form by way of S.B.Civil Writ Petition No.6675/1991 which was admitted on 18th December, 1991 and by way of interim order he was

directed to be interviewed.

6. In the interregnum requiring 15 persons to be interviewed, as noted above the Commission included the name of respondent No.4-Radhey Shyam

Koli, who was also interviewed.

7. The writ petition filed by the appellant was allowed declaring that the daily newspaper where he was working was a state level newspaper.

8. The appellant was interviewed. He obtained 40 marks. Minimum qualifying marks were 50. He filed S.B.Civil Writ Petition No.3519/93 which has

been dismissed vide impugned order dated 11.2.2008

9. The contention of the appellant that Shri G.P.Pilania, Shri R.S.Gupta and Shri D.N.Upadhyay could not be experts in the field and thus the

Interview Board was coram non judice has been repelled by the learned Single Judge holding that once having participated at the interview before

the three members Board he cannot claim they are experts or not in the subject of information and public relations.

10. We agree.

11. The second contention advanced by the learned counsel for the appellant was that respondent No.4 came in the list of 15 screened candidates as a

result of his candidature being rejected. Once it was declared by this Court that his candidature could not be rejected, respondent No.4 Radhey

Shyam Koli had to be relegated to position No.16 and since only three times the number of vacancies was the figure of the candidates who could be

interviewed, appointment of Shri Radhey Shyam Koli has to be quashed.

12. The argument is akin to a dog in manger. To succeed the appellant must show that he obtained qualifying marks.

13. The Commission prescribed the minimum qualifying marks at the interview as 50. The appellant obtained only 40 marks. Thus, in any case the

appellant cannot be offered appointment to the post in question.

14. These are the reasons to dismiss the appeal.

15. The appeal is dismissed.