

(2012) 08 RAJ CK 0112

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No. 725 and 726 of 2012

Ms. Manju Bissa

APPELLANT

Vs

State (Panchayati Raj) and Others
 Vishnu Dutt Bhati
Vs State and Others

RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 3 WLN 650

Hon'ble Judges : Narendra Kumar Jain, J;Dinesh Maheshwari, J

Bench : Division Bench

Advocate : Sanjeet Purohit and Mr. Mohit Vyas, for the Appellant;

Final Decision : Dismissed

Judgement

1. These special appeals involving identical issues have been heard together; and are taken up for disposal by this common order. After having heard the learned counsel for the appellants and having perused the material placed on record, we are unable to find any reason to entertain these appeals against the similar nature orders whereby the learned Single Judge has, after taking note of all the facts and circumstances, rejected the respective writ petitions on the ground of inordinate delay.

2. For an insight into the relevant aspects, the impugned order dated 25.05.2012 as passed by the learned Single Judge in CWP No.4666/2012 (related with SAW No.725/2012) could be taken note of which, in its entirety, reads as under:-

On 25.02.1999, the Zila Parishad, Bikaner initiated process of selection for appointment to the post of Teacher Grade-III. The petitioner considering herself eligible submitted an application. However, the Government of Rajasthan by letter dated 01.07.2003 directed the Zila Parishad to fill up the vacancies concerned only after deducting 15 marks which were awarded to the persons on being coming from rural areas. Suffice to mention that the direction aforesaid was given in the light of a Full Bench judgment of this court that came to be

affirmed by the Hon"ble Supreme Court. The Zila Parishad, Bikaner as per the averments contained in the petition for writ then proceeded to prepare a fresh merit list and necessary guidance in this regard was sought from the State Government. No such guidance was at all given. The petitioner then submitted a representation on 04.07.2011 and the respondent Zila Parishad again sought necessary instructions from the State Government under a communication dated 12.11.2011.

The submission of the learned counsel for the petitioner is that the petitioner faced process of selection in the year 1999 and that process has yet not reached at its logical consequence, but the respondents are proceeding with fresh process of selection.

Heard learned counsel for the petitioner and perused the record.

The petitioner admittedly faced process of selection in the year 1999, i.e. at least 13 years earlier from the date of filing this petition for writ, i.e. 02.05.2012. No effort was made by the petitioner earlier for redressal of her grievance. In the meanwhile, the petitioner has also crossed the maximum age limit for appointment as Teacher Grade-III. Be that as it may, the process of selection that was initiated in the year 1999 by no stretch of imagination can remain in currency for a period of about 13 years. At this belated stage, no relief as claimed by the petitioner, i.e. with regard to her appointment on the post of Teacher Grade-III in pursuant to the process of selection conducted in the year 1999, can be given.

The petition for writ, thus, is dismissed.

3. Seeking to assail the orders so passed in rejection of the respective writ petitions, the learned counsel for the petitioners-appellants attempted to submit that so far Bikaner District is concerned, the process of re-adjustment of select list and re-awarding of the marks was not taken up and the appellants remained under hope and assurance that something positive would be done; and they did make several representations. However, in our opinion, these suggestions do not make out any justification for an inordinate delay of about 13 years in filing the petitions in relation to the process of recruitment of the year 1999.

4. Even if the petitioners-appellants seek to derive some semblance of cause of action with reference to the judgment of the Hon"ble Supreme Court in the case of Kailash Chand Sharma Vs. State of Rajasthan and Others, noticeable it is that the same was delivered way back in the year 2002. The learned counsel attempted to refer to another order passed by a learned Single Judge of this Court at the Jaipur Bench on 23.01.2009 in the case of Neeraj Saxena Vs. State & Ors. (SB CWP No. 6829/2006) but then, the said writ petition was also filed in the year 2006.

5. We have not been able to find any plausible reason for the petitioners-appellants not approaching the Court at the relevant point of time; and we do

not find any error on the part of the learned Single Judge in declining to exercise the writ jurisdiction in these petitions on the ground of ground of gross and inordinate delay.

6. Further, there appears no reason to consider issuance of any mandamus in terms prayed for, so as to direct the respondents to consider the petitioners-appellants for appointment on the post Teacher Grade-III pursuant to the advertisement dated 25.02.1999 now at this stage. The appeals fail and are, therefore, dismissed.