
(2014) 05 RAJ CK 0196
In the Rajasthan High Court
Case No : Civil Writ Petition No. 13382/2013

Mukesh Suthar

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 26-05-2014

Acts Referred:

Citation : (2014) 05 RAJ CK 0196

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Tribhuwan Singh and Mr. S.R. Sharma, Advocate for the Appellant;
Pratishtha Dave, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Vineet Kothari, J.—The petitioners have filed the present writ petition challenging the selection process for the post of Executive Officer in pursuance of advertisement dated 4.9.2012.

2. The learned counsel for the respondents, Dr. Pratishtha Dave submitted that similar writ petitions were decided by the Jaipur Bench of this Court in the case of Devender Kumar Bhagat and anr. V/s State of Rajasthan - SBCWP No. 19534/2013 decided on 31.10.2013 in the following terms:

It is stated that certain questions are having wrong answers in the written examination. Prayer is made to allow petitioner(s) to make a representation to respondents so that issue aforesaid can be examined by themselves or through an expert committee.

I have considered submissions and I find that if certain questions are having wrong answers then the issue aforesaid can be considered by the respondents themselves or through an expert committee in the light of the judgment of the Apex Court in the case of H.P. Public Service Commission Vs. Mukesh Thakur and Another, .

Accordingly, writ petition is disposed of with liberty to the petitioner(s) to make a representation to the respondents giving out details of the questions which are having wrong answers. The representation may be supported by the material. In case of representation, respondents are expected to consider the same by themselves and, if need be, to constitute an independent expert committee to examine the matter. Respondents are expected to do the needful at the earliest, if possible, within a month from the date of receipt of representation, so as to avoid further complication in the matter.

It is made clear that the exercise, as directed above, would be undertaken only if the expert opinion on the disputed questions/answers has not already been sought and not otherwise.

Sd/-

(M.N. Bhandari), J.

3. In one of these three matters connected, in the case of Chhagan Singh V/s State of Rajasthan and ors. - SBCWP No. 12486/2013 decided on 4.10.2013, a coordinate bench of this Court passed the following interim order:

Alleging lack of transparency and fairness in the process of selection for appointment to the post of Executive Officer (IV) this petition for writ preferred. It is pointed out by learned counsel for the petitioner that under the advertisement dated 4.9.2012 the respondents invited applications from eligible candidates for the purpose of appointment to the post of Executive Officer (IV) against the existing 21 vacancy. The advertisement nowhere prescribes the mode of process of selection, however, a written test was conducted and the petitioner participated in that. He also qualified the written test. Subsequent thereto, he also faced interview, however, without declaring any cut-off marks and other necessary details pertaining to the process of selection the respondents declared provisional result on 20.9.2013. Under the result aforesaid all vacancies except three have been filled in by vertical reservation. Two out of non-reserved vacancies too have been filled in by extending reservation to female candidates horizontally.

As per learned counsel for the petitioner without providing cut-off marks and also statement of marks relating to the petitioner and other candidates, the fairness of the examination is in doubt.

Issue notice to the respondents as to why this petition for writ be not admitted. Issue notice of stay application also. The Rule issued is made returnable on 17.10.2013.

In the meanwhile, till the next date of hearing the respondents shall not make appointment to the post of Executive Officer (IV) in pursuant to the result declared on 20.9.2013 (Annex. 8).

4. This Court while considering another connected case in the case of Mukesh

Suthar V/s State and ors. - SBCWP No. 13382/2013 passed the following interim order on 3.12.2013:-

Learned counsel for the petitioner relied upon an interim order passed by a coordinate bench of this Court on 04.10.2013 in the case of Chhagan Singh Vs. State & Ors. (SBCWP No. 12486/13). Learned counsel for the petitioner submits that the present writ petition may be connected with that writ petition.

Meanwhile, the petitioner may also make representation to the respondents raising his grievance, which the respondents are expected to decide in accordance with law, preferably within a period of four weeks; and the stand of the respondents may be placed on record.

Put up after four weeks along-with SBCWP No. 12486/13 - Chhagan Singh V/s State & ors.

5. The learned counsel for the respondents Dr. Pratishtha Dave submitted that no representation has been made by the petitioner and appointment to the post of Executive Officer by the respondents - Local Self Department had already been made and the persons upon revision of merit list upon revision of answers given on the basis of expert opinion have been appointed and these writ petitions have been rendered infructuous, in view of the fact that the petitioners have not made any representation for consideration of their case.

6. Consequently, the present writ petitions are dismissed as having become infructuous. No order as to costs. A copy of this order be sent to the parties concerned forthwith.