
(2020) 01 RAJ CK 0088

In the Rajasthan High Court

Case No : Civil Writ Petition No. 11796 Of 2019

Narendra Kumar Kalasua And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0088

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Moti Singh, Jogendra Singh, Manish Patel, Kuldeep Singh Solanki, Vinit Sanadhya

Final Decision : Disposed Of

Judgement

1. The petitioners have preferred this writ petition feeling aggrieved of the selection made by the respondent-Selection Board in pursuance of the advertisement dated 27.02.2018, issued for recruitment to the posts of Informatic Assistants.
2. The respondent-Selection Board issued an advertisement dated 27.02.2018 for recruitment to the post of Informatics Assistants identifying 1165 posts for Non-TSP Area and 137 posts for TSP Area. The process of recruitment comprised of two stages; written examination and type test.
3. The petitioners have challenged the selection list dated 22.07.2019 issued by the respondents particularly with respect to TSP Area.
4. Mr. Moti Singh, learned counsel for the petitioners contended that the respondents have included 43 candidates in the select list for TSP Area though they do not belong to TSP Area. To substantiate his contention, he pointed out that their roll numbers were shown in both the lists, i.e., TSP Area and Non TSP Area in the first stage of recruitment, i.e., the list issued showing result of the written examination.

5. The petitioners have levelled allegation that such 43 candidates had applied as a candidate belonging to Non TSP Area, however, their cases have been considered as against the posts reserved for TSP area and have wrongly been selected as candidates of TSP Area and thus have taken seats which otherwise would have come to genuine TSP residents.

6. Another argument has been advanced by the learned counsel for the petitioners that as against 137 posts for Non TSP Area, the respondent-Selection Board has issued a list of 117 candidates only, though eligible candidates from TSP Area were still waiting for appointment.

7. It was also argued that the respondents have simply declared roll numbers of the selected candidate without giving their specific details such as name, address, category and marks secured etc. A grievance was raised that in case the respondents had declared their address and category etc., petitioners would have learnt that which candidate(s), as a matter of fact, do(es) not belong to TSP Area.

8. A reply has been filed by the respondent-Selection Board wherein a specific plea has been taken that the contentious 43 candidates have filled their application form as residents of TSP Area and against column designated for TSP Area, they have given option "Yes". The stand of the respondent-Selection Board, in other words, is that the petitioners' contention is incorrect that 43 candidates who have been considered as the candidates belonging to TSP Area had filled their application form from Non TSP Area.

9. Explaining the inclusion of 43 candidates in both the lists, viz. List of TSP Area and Non TSP Area, Mr. Manish Patel, learned counsel for the respondent-Selection Board submitted that a candidate from TSP Area was also to be considered for Non TSP Area, that is why names of these candidates were reflected in both lists. He invited Court's attention towards Point No. 2 and 3 of the Notes, which are reproduced hereunder:-

"2. अनुसूचित क्षेत्र के आवेदक ऑनलाईन आवेदन में अनुसूचित क्षेत्र के कॉलम में स्पष्ट रूप से अंकन करें। अनुसूचित क्षेत्र के कॉलम में अंकन नहीं करने की स्थिति में उनके आवेदन पर अनुसूचित क्षेत्र के पदों के लिये विचार नहीं किया जायेगा।

3. गैर अनुसूचित क्षेत्र की रिक्तियों के विरुद्ध अनुसूचित क्षेत्र के निवासी भी आवेदन कर सकेंगे।"

10. He submitted that it was clearly provided that a candidate belonging to TSP Area will be considered even for the posts meant for Non TSP Area, in case, the posts remained unfilled.

11. Mr. Patel submitted that such inclusion was made only with a view to consider the candidatures of the persons belonging to the TSP Area in Non TSP Area. However, after the documents verification and preparation of final select list, these 43 candidates were considered and selected for the posts meant for TSP Area.

12. With respect to the petitioners' contention that the respondents have erred in issuing select list of 117 candidates only, a specific plea in the reply has been taken that after documents verification, 117 candidates were found suitable/eligible and hence select list of 117 candidates had been issued. It has been stated that 20 candidates were given last opportunity to furnish the requisite details by 29.11.2019 and as such, no final decision on their candidature has been taken, while indicating that so far 8 persons have been found eligible and they shall be given appointment. It has also been specifically asserted in the reply that remaining posts will be filled out of the reserve list in accordance with Rules.

13. In rejoinder, Mr. Moti Singh, learned counsel for the petitioners invited Court's attention towards Condition No. 3 and submitted that as per the advertisement, a candidate belonging to TSP Area was entitled to apply for Non TSP Area also, however, there was no such column in the application form, as such, petitioners' candidature could not have been considered for Non TSP Area.

14. After hearing learned counsel for the parties and going through the material, this Court neither finds any fault in the select list nor does it find any error in the stand taken by the respondents in publishing roll numbers of 43 candidates in both the lists meant for TSP Area as well as meant for Non TSP Area.

15. Indisputably there was a clear stipulation in the advertisement that a candidate belonging to TSP Area will also be eligible for applying for Non TSP Area. As the form did not give option for applying for the posts of Non TSP Area, if the respondents have included these candidates in both the lists and considered them for both the posts, it cannot be said that their action was illegal.

16. That apart in view of the specific assertion in the reply that these 43 candidates had applied as TSP Area candidates, this Court is of the view that there was no infirmity or illegality in the selection process, as has been, alleged by the petitioners.

17. So far as the allegation of the petitioners that since these 43 candidates had filled their application form as the candidates belonging to Non TSP Area and their selection has been made in TSP Area is concerned, suffice it to say that there is no factual foundation and petitioners have levelled bald allegations based on conjectures.

18. Adverting to the second contention raised by the petitioners that the respondents have erred in issuing select list of 117 candidates, this Court is fully satisfied with the stand taken by the respondents in their reply to ground (a) to (k) indicating therein that fate of remaining 20 posts has been kept in abeyance in view of the pending documents verification of 20 remaining candidates and that the remaining seats would be filled out of reserve list in accordance with law.

19. It is noteworthy that the respondents have not appropriately dealt with third contention duly raised in ground (i) and they have not mentioned as to whether

a final select list with the requisite details such as name, category, marks obtained etc. has been issued.

20. Though this Court does not find any force in the contentions raised by the petitioners, and dismisses the present writ petition, yet deems it appropriate to issue a direction to the respondent-Selection Board to publish a select list giving out complete requisite details, including names of candidates, marks obtained, category etc.

21. So far as petitioners' contention regarding publishing the place of their residence in the select list is concerned, the respondents shall also consider the same and if rules permit, their area of residence shall also be indicated in the list to be published.

22. The select list as directed above shall be published within a period of four weeks from today, if not already published.

23. The stay petition also stands disposed of.