
(2019) 08 RAJ CK 0173
In the Rajasthan High Court
Case No : Civil Writ Petition No. 12180 Of 2019

Navaram Rebari

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 29-08-2019

Acts Referred:

Citation : (2019) 08 RAJ CK 0173

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Mahipal Singh Deora, Rajat Arora, Surendra Singh Rathore, K.S. Rajpurohit

Final Decision : Allowed

Judgement

This writ petition has been filed by the petitioner seeking a direction to the respondents to award bonus marks based on the experience certificate (Annex.3) issued to the petitioner.

It is inter alia indicated in the writ petition that the respondents issued the select list for candidates called for document verification for appointment on the post of Nurse Gr.II.

From the cut-off and marks awarded to the petitioner, which have been published by the respondents reveal that the petitioner has not been awarded bonus marks for the experience of the petitioner and, therefore, if the petitioner is awarded bonus marks for experience as evidenced by the experience certificate, he would fall within the cut-off and, therefore, the respondents be directed to award bonus marks and call the petitioner for document verification.

A reply to the writ petition has been filed by the respondents inter alia indicating that the certificate produced by the petitioner is not in consonance with the guidelines issued by the respondents dated 28.6.2018 (Annex.R/1) and, therefore, the certificate is of no consequence and the petitioner has rightly been refused award of bonus marks.

Learned counsel for the respondents also submitted that the certificate has been issued on 27.6.2018 by the CM&HO, Sirohi and has been counter-signed by the Joint Director, Medical & Health Services on 28.6.2018 and as the certificate has been issued from prior to the date of the directions dated 28.6.2018 (Annex.R/1), even otherwise the certificate is of no consequence.

Reliance has been placed on judgment of this Court in *Kavita Panwar v. State of Rajasthan & Ors.*: S.B. Civil Writ Petition No.5346/2016, decided on 16.1.2018.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

A bare look at the circular dated 28.6.2018 would reveal that the circular has been issued based on the order passed by this Court at Jaipur Bench in SBCWP No.12335/2018 (*Dinesh Kumar Lodha & Ors. v. State of Rajasthan & Ors.*), whereby, the Court directed to issue experience certificates to employees, who were working with the institutions being managed on PPP Mode. It was inter alia provided that certificates be issued only to candidates in whose favour the order has been passed by the Court.

The indication made in circular confining issuance of the certificate only to those who have approached the Courts, deprives the candidates who otherwise are entitled for issuance of the certificate and unnecessarily force them to approach the Court. Such stipulation made in the circular, once the Court laid down that those working at institutions being operated under PPP Mode, were entitled for such certificates cannot be used to discard the certificate.

The fact that the certificate has been issued prior to the date of circular is also of no consequence, inasmuch as, by the circular dated 28.6.2018 only the fact that the candidates would be entitled to be awarded bonus marks has been recognized and procedure therein has been indicated. The fact that the certificate (Annex.3) indicates the services rendered by the petitioners for a particular period does not lose its efficacy on account of the fact that the same was issued a day earlier and the Joint Director counter-signed the same on the date of issuance of the certificate.

The pedantic approach by the respondents in seeking compliance of so-called guidelines and circulars, which have absolutely no meaning, is contrary to the purpose sought to be achieved and only force the petitioners to unnecessarily approach the Courts. The manner of working of the respondents in this regard cannot be approved.

Insofar as, the judgment in the case of *Kavita Panwar* (supra) is concerned, in the said case, the certificates were issued by Senior Medical Officer of the University, who even otherwise was not authorized to issue such certificates, however, in the present case, the certificate has been issued by the CM&HO, Sirohi and has been counter-signed by the Joint Director, Medical & Health Services and, therefore, it cannot be said that the authorities were not

authorized to issue the certificate as such.

In view thereof, the writ petition filed by the petitioner is allowed. The respondents are directed to accord bonus marks to the petitioner based on the circular issued on 28.6.2018 (Annex.R/1) in accordance with law and after award of bonus marks, if the petitioner falls within the cut-off, verify his documents and proceed accordingly.