
(2002) 02 RAJ CK 0027
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2517 of 1999

Neelam Kumari

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 01-02-2002

Acts Referred:

Citation : (2002) 3 WLN 424

Hon'ble Judges : B.S. Chauhan, J

Bench : Single Bench

Judgement

B.S. Chauhan, J.—The instant writ petition has been filed for quashing the impugned orders dated 30.6.1999 (Annx. 14) and (Annx. 15), by which the petitioner was not permitted to join services at the place of her posting inspite of her selection as Teacher Grade-III in response to the Advertisement No. 1/1998.

2. The facts and circumstances giving rise to this case are that respondents had issued Advertisement No. 1/1998 for filling up vacancies of Teachers Grade-III. In pursuance of that advertisment, petitioner also applied and her name appeared in the select list. Vide order dated 9.10.1998, she was directed to join at Government Primary School, Rawatsar; however, when she went to join there, she was served with the impugned orders and was not allowed to joint the duty. Hence this petition.

3. Mr. R.K. Singhal, learned Counsel for petitioner has raised large number of issues including arbitrariness while passing the impugned orders and submitted that the impugned orders deserve to be quashed. On the contrary, Mr. L.R. Chaudhary, learned Counsel for respondents, has submitted that as certain complaints had been received regarding genuineness of her documents and she was not found entitled to get the benefit of improved position by passing Senior Secondary (Academic) Examination, 1997, she is not entitled for appointment, hence the petition deserves to be dismissed.

4. I have considered the rival submissions made by the learned Counsel for

parties.

5. Petitioner had never been served with any show cause notice regarding genuineness of her certificates, nor she has till today been explained as why she had not been permitted to join the duty at the place of her posting. Even today, nothing has been brought to the notice of the Court as if the complaints had been received regarding genuineness of her certificates, why by this time the genuineness of the certificates could not be verified. On the basis of the material available on record her eligibility/genuineness of her certificates cannot be determined.

6. In view of the above, the Court has no option but to allow the petition quashing the impugned orders both dated 30.6.1999 (Annx. 14) and (Annx. 15). However, no further direction is issued as Mr. L.R. Chaudhary assured that the Competent Authority shall issue fresh order of posting the petitioner within the period of four weeks from today. It is further clarified that petitioner's appointment shall be subject to the inquiry etc., if any, regarding genuineness of her documents and eligibility, but if the department wants to hold an inquiry, petitioner should be given full opportunity to meet the charges; though needless to say that in case her documents are found to be genuine and she is found eligible for the post, she shall be entitled for all consequential benefits from the date of initial appointment made in pursuance of the Advertisement No. 1/98, including seniority etc. but she shall not be paid the back wages.

7. With these observations, the petition is disposed of. There shall be no order as to costs.