
(2020) 02 RAJ CK 0246
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2134 Of 2020

Nikita Nagriya

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 12-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0246

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Kuldeep Mathur, Shreyansh Mehta, K. S. Rajpurohit

Final Decision : Dismissed

Judgement

1. The petitioner applied for the post of Nurse Grade-II, pursuant to the advertisement dated 30.05.2018 under the OBC-NCL category.
2. While furnishing the application form, the petitioner appended a certificate dated 20.06.2013, to evince that she is an OBC candidate.
3. When the petitioner did not find her name in the provisional merit list, despite having secured more marks than the cut off, she enquired the reason only to learn that her candidature has not been considered in wake of the fact that certificate of OBC she enclosed, was issued prior to one year of the date of application form.
4. Mr. Mathur, learned counsel for the petitioner, submitted that petitioner's caste status continues to be the same and the mere fact that her certificate was issued in the year 2013, cannot be a reason for rejecting her candidature as an OBC candidate.
5. In support of his arguments, learned counsel for the petitioner relied upon the judgment of Hon'ble Supreme Court in the case of Ram Kumar

Gijroya Vs. Delhi Subordinate Services Selection Board & Anr. reported in (2016) 4 SCC 754.

6. Mr. Mehta, learned counsel for the respondents, per contra submitted that the terms of the advertisement were very clear and as per para No.13 of

the advertisement containing general directions, candidates belonging to OBC and MBC Category were required to furnish a recent certificate, which

should not be issued prior to one year of the last date of furnishing application form.

7. Heard.

8. It is pertinent to note that reservation to Other Backward Classes (OBC) is not available solely on the basis of their caste; it is also subservient to

the financial status of the candidate belonging to such caste.

9. The requirement of a recent certificate is imperative, rather fundamental, so that parameters of financial status at the relevant time can be

examined.

10. True it is, that petitioner's certificate dated 20.06.2013 shows her caste to be covered by Other Backward Classes, however, it is not

reflective of her financial status or the fact that she belongs to Non Creamy Layer.

11. That apart, in the face of the clear condition in the advertisement, the petitioner was required to furnish a recent certificate, issued not before one

year of the last date of submitting application form.

12. Petitioner's request that she is prepared to furnish the certificate now cannot be countenanced, as the recent certificate dated 13.01.2020 has

been issued not only after the last date of submitting application form, but even after the final merit list has been declared.

13. So far as the judgment of Hon'ble Supreme Court in the case of Ram Kumar Gijroya (supra) is concerned, the same involves a caste

certificate of SC/ST. Caste certificate of a candidate belonging to SC/ST does not lose its sanctity, as reservation to SC/ST is based on the caste,

independent of economic status. But reservation to OBC candidate is based upon their financial/social status which may change with the passage of

time.

14. The petitioner, who hails from backward class, having staked her claim as an OBC-NCL candidate, cannot claim parity on the basis of judgment

of Ram Kumar Gijroya's case (supra).

15. There is no substance/merit in the writ petition, the same is, thus, dismissed.

16. The stay application is also dismissed.