
(2025) 01 RAJ CK 1673

In the Rajasthan High Court, Jodhpur Bench

Case No : Civil Writ Petition No. 3448 Of 2004

Smt.Manjushree Prajapati

APPELLANT

Vs

State And Ors.

RESPONDENT

Date of Decision : 29-01-2025

Acts Referred:

Citation : (2025) 01 RAJ CK 1673

Hon'ble Judges : Arun Monga, J

Bench : Single Bench

Advocate : Priyanshu Gopa, H.S. Chundawat

Final Decision : Disposed of

Judgement

Arun Monga, J

1. Instant is a case where petitioner having sealed her own fate by her conduct and acquiescence, as an after thought, has subsequently filed the instant writ petition taking a chance with the hope and speculation that she might succeed despite the petition suffering from the vice of delay, laches and fait accompli.

2. Even if one were to condone the delay, even on merits no case is made out for interference by this Court. Let us see how?

3. A bare narrative of pleadings in affirmation by the petitioner herself is self speaking, which is as below:-

3.1 The petitioner came to be appointed as Stenographer Gr.II in the year 1992 and was working in the office of Deputy Conservator, Forest. One Shri Rajeev Jugtawat came to be posted as Deputy Cosnervator of Forest, Jodhpur. Allegedly, he started misbehaving with the petitioner with malafide intention. Petitioner submitted a complaint before Hon'ble the Chief Minister. She also moved complaints before several other authorities. Purportedly, in retaliation, the respondent No.4 served memo dated 10.08.2000 (Annex.5) alleging flouting of directions, absence with leave and indecency to the petitioner to which she

replied vide her reply (Annex.6). The respondent No.4 was later transferred in September, 2000 pursuant to inquiry conducted by the District Collector. Respondent No.4 took the same as prestige issue and accordingly, adverse remarks were recorded in her APARs for the year 1999-2000 and 2000-2001.

3.2 A charge-sheet was issued to the petitioner under Rule 17 of the Rajasthan Civil Service (Classification, Control & Appeals) Rules, 1958. She was later held guilty and punishment was awarded on 22.01.2004. Aggrieved, she preferred an appeal on 22.04.2004. However, since the respondents continue to harass her and are not deciding the appeal, therefore, the petitioner prefers this petition.

4. In the aforesaid backdrop, I have learned counsel, who have both argued on the lines of the pleadings filed by them.

5. Speaking of pleadings, the pointed stand taken by the respondents in their reply is as below:-

"1. That the instant writ petition is not maintainable because of the false misleading statement made in para 8 of the writ petition in the following words:-

"Ultimately it was in this perspective and pursuant to the inquiry conducted by the District Collector that in September, 2000 the respondent No.4 was transferred to awaiting posting orders."

In fact, the position is otherwise. The inquiry officer to whom the complaint was made, the Divisional Commissioner has, on the contrary, after considering entire aspect of the matter vide his letter dt. 24-8-2000 categorically held that the prima-facie case of outraging modesty of the petitioner is not made out and further- more he recommended transfer of petitioner in order to resolve the instant problem."

6. At the very threshold, I am constrained to observe that the aforesaid stand taken by the respondents has remained uncontroverted in the rejoinder. I may also hasten to add here that I am in agreement with the same and, therefore, the writ petition is liable to be dismissed on that ground alone.

7. Having said as aforesaid, even otherwise, it is borne out that the petitioner's prayer herein is to seek quashing of the adverse entries made in the Annual Confidential Reports (ACR) for the years 1999-2000 and 2000-01. It is borne out from the record, which is not disputed, that petitioner though filed representation/appeal qua the adverse entry for the year 1999-2000, which was rejected vide order dated 04.01.2002 (Annex.R/2) and she chose to acquiesce to the same. She did not assail the same before the superior authority in the department. Furthermore, as regards the ACR for the year 2000-01, the conceded position is that neither any representation/appeal was filed nor is there any justification in the writ petition as to why the same is being challenged belatedly, after accepting it as fait accompli by the petitioner herself having chosen not to contest the same.

8. The hurdle of the petitioner does not end here. Even the instant writ petition was filed in the year 2004 without any explanation being there qua the inordinate delay.

9. Be that as it may, as already observed, even if this Court were to over-look the delay, petitioner's case fails even on merits, for the reasons recorded hereinbefore.

10. As an upshot, the writ petition is dismissed both on the ground of delay as well as merit.

11. All pending application(s), if any, shall also stand disposed of.