

(2019) 08 RAJ CK 0336

In the Rajasthan High Court

Case No : Civil Writ Petition No. 11985, 11979 Of 2019

Prakash Godara And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 22-08-2019

Acts Referred:

Citation : (2019) 08 RAJ CK 0336

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Kunal Bishnoi, Rajat Arora, Rajpurohit

Final Decision : Dismissed

Judgement

These writ petitions have been filed by the petitioners seeking direction to the respondents to award bonus marks as per the certificate of experience as issued for the recruitment procedure for Nurse Gr.II pursuant to the advertisement dated 30.05.2018.

The petitioners applied for the post of Nurse Gr.II pursuant to the advertisement dated 30.05.2018 (Annex.2). The advertisement provided for award of bonus marks based on experience. The relevant portion in this regard, reads as under :-

"(i) अभ्यर्थियों की पात्रता की जांच एवं दस्तावेजों के सत्यापन के समय आवेदक को मुख्यमंत्री बीपीएल जीवन रक्षाकोष, एनआरएचएम मेडिकेयर रिलीफ सोसायटी, एड्स कंट्रोल सोसायटी, राष्ट्रीय क्षय नियंत्रण कार्यक्रम, झालावाड़ अस्पताल एवं चिकित्सा महाविद्यालय सोसायटी, समेकित रोग निगरानी परियोजना, राज्य स्वास्थ्य परिवार कल्याण संस्थान (SIHFW) एवं राज्य सरकार के अधीन समान कार्य करने का विभाग के अधिकृत प्राधिकारी द्वारा निर्धारित प्रारूप में जारी अनुभव प्रमाण पत्र प्रस्तुत करना होगा। यह अनुभव प्रमाण पत्र विज्ञापित पद के लिये ऑनलाईन आवेदन करने की अंतिम तिथि से पूर्व का जारी किया हुआ होना आवश्यक है। अनुभव अवधि की गणना विज्ञप्ति जारी होने की तिथि तक की जावेगी। अनुभव प्रमाण पत्र का प्रारूप 'अ' संलग्न है। विभाग द्वारा निर्धारित प्रारूप के अतिरिक्त अन्य किसी प्रारूप में जारी किया गया अनुभव प्रमाण पत्र मान्य नहीं होगा।"

(emphasis supplied)

A perusal of the above condition indicates that experience was to be counted till the date of issuance of the advertisement i.e. 30.05.2018. The advertisement further provided that for each completed year's experience, 10 marks were to be granted with maximum of 30 marks.

The petitioners earlier approached this Court by filing Writ Petitions, wherein a Co-ordinate Bench of this Court on 20.06.2018, relying on order in Jaipal Meena & Ors. v. State of Rajasthan & Ors. : S.B. Civil Writ Petition No.12152/2018, decided on 01.06.2018 at Jaipur Bench ordered for issuance of experience certificate to the petitioners, pursuant thereto, the petitioners were issued experience certificate dated 30.06.2018 indicating that they had experience of 03 years / 03 years & 01 day on the date of issuance of certificate. The petitioners produced the said certificates. However, it is submitted that in the marks awarded to the petitioners (Annex.1), they have been awarded 20 marks only though the certificates indicate that they have completed 03 years' service as contractual employees and it is prayed that the respondents be directed to award 30 marks to the petitioners.

Learned counsel for the respondents submitted that though the certificates issued to the petitioners indicate experience of 03 years / 03 years 01 day on the date of issuance of experience certificate dated 30.06.2018, however, the bonus marks are to be awarded based on experience for the period upto the date of advertisement i.e. 30.05.2018 and as admittedly, the petitioners had not completed 03 years on the said date, they were rightly awarded 20 marks and therefore, the writ petitions deserve to be dismissed.

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

A perusal of the condition of the advertisement, as noticed herein-before, indicates that the experience was to be considered till the date of issuance of the advertisement, which admittedly, is 30.05.2018. As per the directions issued by this Court in the writ petitions filed by the petitioners, they were issued experience certificates on 30.06.2018 by the competent authority and the said authority, therefore, was justified in indicating that as on the date of issuing certificate, the petitioners had served for 03 years / 03 years 1 day. However, by merely issuing certificate indicating the experience of the petitioners, they were not entitled to the award of marks. The marks were to be awarded based on the experience till the date of issuance of advertisement i.e. 30.05.2018 and as admittedly, the petitioners fell short of three years on the said date, in so far as their experience was concerned, the respondents were justified in awarding 20 marks to the petitioners and the action, therefore, cannot be faulted.

A submission was made that as the certificate was issued pursuant to the directions given by this Court in the Writ Petitions filed by the petitioners, the petitioners are entitled to 30 bonus marks. The said argument made by learned counsel cannot be accepted, inasmuch as, a perusal of the order dated

20.06.2018 passed by this Court indicates that the direction was to issue certificate and there was no direction to count the experience based on the certificate and therefore, the authorities were justified in counting the experience based on the stipulation made in the advertisement i.e. till the date of advertisement.

In view of the above discussions, there is no substance in the writ petitions, the same are, therefore, dismissed.