

(2018) 12 RAJ CK 0255
In the Rajasthan High Court
Case No : Civil Writ No. 19295 Of 2018

Prakash Mal

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 20-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0255

Hon'ble Judges : Inderjeet Singh, J

Bench : Single Bench

Advocate : Surendra Singh Choudhary

Final Decision : Dismissed

Judgement

Counsel for the petitioner submitted that issue involved in this writ petition has been considered by a coordinate Bench of this Court in the matter of Nimba Ram Karel Vs. State of Rajasthan & Ors. (S.B.Civil Writ Petition No.19032/2018), decided on 15.12.2018, wherein it has been held as under:-

"This writ petition has been filed by the petitioner seeking a direction to the respondents to re-conduct the Physical Efficiency Test ('PET') for the petitioner.

It is, inter-alia, claimed in the writ petition that the PET of the petitioner was held on 10.09.2018 at Kota, wherein the ground was muddy and therefore, the petitioner could not participate in the PET to his full potential and consequently, failed in the PET and therefore, they may be permitted to reappear.

Reliance has been placed on judgment in the case of Revant Ram Meghwal & Ors. v. State of Rajasthan & Ors. : SBCWP No.13731/2018 & other connected writ petitions decided on 27.11.2018.

Learned counsel appearing for the respondents made submission that the petitioner had participated on 10.09.2018 and failed, he did not raise any objection whatsoever regarding the condition of the ground and the present writ petition has been filed on 14.12.2018, apparently based on judgment in the case

of Revant Ram Meghwal (supra).

Further submissions have been made that appointments have already been granted pursuant to the recruitment and in district Kota city for which the petitioner has applied, there is no vacancy and as the petitioner has not impleaded any successful candidate as party respondent to the present writ petition, the writ petition cannot now be entertained.

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 admit card indicates that the petitioner had undergone the PST/PET on 10.09.2018, no material has been produced on record to indicate that after failing in the PET, the petitioner had raised any objection regarding the status of the ground. No reason whatsoever has been indicated in the writ petition indicating as to what prevented the petitioner from making any such representation and approaching this Court within reasonable time. The petitioner has approached this Court after about 03 months from the date the PET was held, apparently inspired by order of this Court in the case of Revant Ram Meghwal (supra). There is also substance in the submission made by counsel for the respondents, if no vacancy is left for district Kota, without impleading the successful candidates to the petition, even otherwise the petitioner is not entitled for grant of any relief.

Consequently, on account of in-ordinate delay in approaching this Court without raising any objection at any stage and not impleading the successful candidates as party-respondent, there is no substance in the writ petition, the same is, therefore, dismissed."

In that view of the matter, the present writ petition is dismissed in view of the judgment passed by coordinate Bench of this Court in the matter of Nimba Ram Karel (supra)