

(2009) 10 RAJ CK 0001

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4900 of 2008

Pramod Kumar and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-10-2009

Acts Referred:

Citation : (2009) 10 RAJ CK 0001

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Govind Mathur, J.—At the threshold it is stated by the learned Counsel for the petitioner that he does not want to press the petition for writ so far as petitioner No. 1 is concerned. Accordingly, the petition for writ is dismissed to the extent that it relates to petitioner No. 1 Pramod Kumar S/o Jagan Nath Bhatt.

2. The petitioner No. 2 Smt. Reena Devi, by this petition for writ, is claiming her consideration for appointment as Prabodhak under the Rajasthan Panchayati Raj Prabodhak Service Rules, 2008 by taking into consideration the period of summer vacations availed by her as a part of teaching experience. This Court in the case of Beeram Ram Choudhary v. State and Ors. SBCWP No. 6273/2008 decided on 15.10.2008 held that the period of summer vacations is not required to be treated as break in service in view of the fact that employee remains out of employment in that period due to circumstances beyond his/her control. In the case aforesaid, it was held that non-consideration of the candidature of a person by ignoring the period of summer vacations as a part of teaching experience is not permissible.

3. In view of law laid down in the case of Beeram Ram Choudhary, this petition for writ deserves acceptance to the extent that it relates to petitioner No. 2 Smt. Reena Devi.

4. Accordingly, the petition for writ is allowed with the direction to the

respondents to consider the candidature of the petitioner No. 2 for the purpose of appointment as Prabodhak by treating her a person having five years teaching experience. If the petitioner is otherwise eligible and also stands in select list as per merit, appointment as Prabodhak be accorded to her.