
(2020) 02 RAJ CK 0311

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1079, 1680, 1911 Of 2020

Pratap Singh And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0311

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Ankur Mathur, Hapu Ram, Papu Sangwa, K. S. Rajpurohit

Final Decision : Dismissed

Judgement

1. Petitioners in these writ petitions have approached this Court challenging the action of the respondents in rejecting their candidature for the

following reason :

â??Rejected due to other Boardâ??

2. The respondents have filed reply and clarified that the expression given while rejecting petitionersâ?? candidature i.e. â??rejected due to other

Boardâ?, is not a proper expression of the reason and petitionersâ?? candidature, as a matter of fact has been rejected as they have done Senior

Secondary from â??Board of Higher Secondary Education, Delhiâ??.

3. Mr. Rajpurohit, learned Additional Advocate General, submitted that as per the Instruction Booklet â?" 2016, issued by Board of Secondary

Education, Rajasthan, Ajmer, the above referred Board from which the petitioners have allegedly passed their Senior Secondary is not recognised.

4. Mr. Rajpurohit relied upon a decision of Division Bench rendered in the case of State of Rajasthan & Ors. Vs. Rekha Joshi : DB Special Appeal

(Writ) No.346/2019, decided on 03.09.2019 and submitted that the Division Bench has already held the Board of Higher Secondary Education,

Delhi to be a un-recognised Board and thus, the petitioners are not entitled to any relief.

5. Learned counsel for the petitioners contended that after passing Senior Secondary from Board of Higher Secondary Education, Delhi, the petitioners have got admission in various other courses conducted by the State Government; such as Diploma of General Nursing and Midwifery.

They even got their registration with the Rajasthan Nursing Council and no doubt or question about their Senior Secondary was ever raised and the petitioners were allowed to pursue higher courses.

6. It was also argued that petitioners had completed their Senior Secondary about 10-15 years ago and the question about their Senior Secondary

Education is now being raised, which is not a qualifying course for the post advertised. The respondents may be justified in verifying the certificate or

degree, but rejecting their candidature on the ground of passing Senior Secondary from an unrecognised Board cannot be countenanced.

7. Pointing out that the petitioners have been working, though on contractual basis, with the State Government as Nurse Grade-II and no question in

respect to petitioners' qualification of Senior Secondary was ever raised by the respondents, it was emphatically argued that if their Senior

Secondary was good/valid for contractual employment, how it can be invalid for the recruitment in question.

8. While submitting that when the petitioners had cleared Senior Secondary from the Board in question they had no inkling that said Board is/was not a

recognised Board and had this question was ever raised, perhaps they would have yet again cleared the Senior Secondary from Board of Secondary

Education Rajasthan, Ajmer or any other Board which it recognises.

9. Having heard learned counsel for the parties, this Court feels bound by the above referred decision dated 03.09.2019 of Division Bench in the case

of Rekha Joshi (supra).

10. As far as the argument advanced by the learned counsel for the petitioners is concerned that the petitioners have passed their Senior Secondary

from the Board of Higher Secondary Education, Delhi completely being oblivious of the fact that such Board is not recognised, is a question for the

State Government to ponder.

11. The State Government may consider that the petitioners and all other candidates, who have bonafidely passed their Senior Secondary from the

Board of Higher Secondary Education, Delhi without their being any fault or connivance on their part, they should not be deprived of their future

right/employment considering the fact that so far as their requisite qualification of Nursing is concerned, which is not in dispute.

12. Be that as it may, so far as rejection of petitioners' candidature is concerned, this Court does not find any error or infirmity in the light of what

has been held by the Division Bench of this Court in the case of Rekha Joshi (supra).

13. All the writ petitions are thus, dismissed.

14. The stay applications are also dismissed.