
(2020) 02 RAJ CK 0579

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2904 Of 2020

Praveen Kaswan And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 26-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0579

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Tanwar Singh Rathore

Final Decision : Disposed Of

Judgement

Learned counsel for the petitioners while submitting that in identical writ petition being SB Civil Writ Petition No.10538/2016 : Kaptan Singh & Ors

Vs. State of Rajasthan & Ors. has been disposed of by Jaipur Bench of this Court, vide order dated 09.11.2017, prays that similar order be passed in the present case also.

Hence, identical order is being passed in the present writ petition.

Learned counsel for the petitioners, at the very outset, submits that the controversy raised in the instant writ application stands resolved in view of the

adjudication made by a Coordinate Bench of this Court in the case of Ashol Kumar Baser v. State of Rajasthan & Ors.: S.B. Civil Writ petition

Number 6707/2007, decided on 8th February, 2012, observing thus:

After hearing of the matter at a considerable length, it is submitted by learned Additional Advocate General Shri R L Jangid that adequate number of

Vacancies are available with the respondents to employee meritorious candidates, as a consequent of process of selection initiated under the

Advertisement Annx-1. It is also pointed out that in a matter of similar nature i.e. SBCivil Writ Petition no-3414/2009 this court directed to employ

persons who approached court without making any disturbance with the appointments already given.

Having considered all the facts and circumstances of the case I deem it appropriate to accept the petition for writ with a direction to the respondents

to consider the case of the petitioners for the post for which they applied under the advertisement Annx-1, if they are otherwise eligible and meritorious.

The appointment to the petitioners may be given from the date appointments were to other persons as as a consequent to the process of selection in

question. The seniority and all other benefits including fixation of pay on notional basis in the event of grant of appointment shall be reckoned from the

date appointments were given to other persons selected through same process. However they shall not be entitled for actual payment of wages for the

period concerned . Necessary orders for compliance of the directions given are required to be passed by the respondents on or before 31.3.2012.

Learned counsel further asserted that despite repeated representations addressed by the petitioners, the respondents have not responded to the claim of the petitioners.

It is further pointed out that for the present, the petitioners would be satisfied, if the State-respondents are directed to consider and decide their

representation within a time frame, in the backdrop of the adjudication in the case of Ashol Kumar Baser (supra).

In view of the limited prayer addressed; the petitioners are directed to address a representation enclosing copies of the opinions, which they intend to

refer to and rely upon so also a copy of the notice for demand of justice addressed to the counsel within two weeks hereinafter.

In case, a representation is so addressed within the aforesaid period, the State-respondents are directed to consider and decide the same by a

reasoned and speaking order in the backdrop of the opinion in the case of Ashol Kumar Baser (supra). This exercise shall be undertaken by the State-

respondents as expeditiously as possible; preferably within two months from the date of receipt of the representation along with a certified copy of this

order.

With the observations and directions, as indicated above, the writ application

stands disposed of.

The stay application also stands disposed of.