

(2020) 01 RAJ CK 0097

In the Rajasthan High Court

Case No : Civil Writ Petition No. 18005 Of 2019

Priyanka Bhati

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 21-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0097

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Virendra Acharaya, Shreyansh Mehta

Final Decision : Disposed Of

Judgement

1. The present writ petition has been preferred by the petitioner for the following reliefs:

"A. By an appropriate writ order or direction, the respondents may be directed to call the petitioner for document verification and consider his case for appointment in pursuance of advertisement dated 30.5.2018. (Annex.3).

B. Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the fact and circumstances of the case may kindly be passed in favour of the petitioners.

C. Writ petition filed by the petitioners may kindly be allowed with costs."

2. The facts in a nut shell are that the petitioner applied in the category of OBC (Divorcee) for the post of Nurse Grade-II, pursuant to the advertisement dated 13.5.2018, issued by the respondents.

3. Petitioner's name was shown in the list published for document verification, according to which, the candidates (including the petitioner) were required to appear for document verification on 17.6.2019.

4. Admittedly, the petitioner did not participate in the process of document

verification on 17.6.2019.

5. Thereafter, the respondents, with a view to give additional chance to all those candidates, who failed to appear in first stage of document verification, gave a second chance and the date for document verification was fixed as 24.9.2019.

6. According to the petitioner, she was not aware of the fact that another chance to appear with documents has been given on 24.9.2019 and she came to know about the same only on 13.10.2019.

7. Petitioner thereafter, approached the respondents at Jaipur and requested them to carry out her document verification.

8. The respondents turned down petitioner's such request as according to them, the process of document verification had since been over.

9. The petitioner approached this Court with a plea that the petitioner did not know about the fresh document verification, which was held by the respondents on 24.9.2019 and therefore, could not appear in such process. It is prayed that looking to the fact that petitioner is a divorcee lady, a sympathetic view be adopted qua her and respondents be directed to conduct her document verification and afford her appointment, in case she falls in merit.

10. Mr. Mehta, learned counsel for the respondents submitted that the respondents have taken sincere efforts of informing the concerned candidates for appearing in the document verification. He highlighted that the petitioner had failed to appear in first document verification; whereafter keeping in mind the interest of such candidates, who failed to appear in the first round of document verification, it was thought expedient to provide one more chance for conducting document verification of all such candidates.

11. It has been asserted in the additional affidavit that the intimation to this effect was given wide publicity by way of publishing a notice in the newspaper and sending SMS on registered mobile number of all the candidates including the petitioner, while also uploading such notice on the official website of the respondents.

12. Having regard to the facts obtaining and affidavit filed by the respondents, this Court is of the considered view that the respondents have taken pro-active steps to intimate all the concerned candidates. No fault can be found in their approach. The petitioner having failed to appear in document verification at the first place, ought to have been vigilant.

13. In response to the respondents' stand that an SMS was sent on registered mobile number of the concerned candidate, the petitioner has come out with a plea that the mobile number given in the application form was that of her brother, who forgot to inform the petitioner. Such lame excuse given by the petitioner cannot be justified, particularly when the intimation to this effect was not only uploaded on website, but was also published in newspaper.

14. The petitioner herself has been indolent and negligent towards her right. No equitable or sympathetic consideration in the facts of the present case is warranted.

15. The writ petition, therefore, fails.

16. The stay application also stands disposed of accordingly.