

(2008) 03 RAJ CK 0134

In the Rajasthan High Court

Case No : Civil Writ Petition No. 8155 of 2007

Purushottam Purohit

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 05-03-2008

Acts Referred:

Citation : (2008) 2 WLN 430

Hon'ble Judges : Munishwar Nath Bhandari, J

Bench : Single Bench

Judgement

Munishwar Nath Bhandari, J.—Heard learned Counsel for the parties.

2. The short controversy involved in this writ petition is otherwise covered by the judgment of the Division Bench of this Court in the case of State of Rajasthan v. Bharat Kumar Sharma and Ors. D.B. Civil Special Appeal No. 424/2002 decided on 19.01.2005. In the aforesaid appeal, the same issue as has been raised in the present matter was considered at length and after considering the issue, the Division Bench of this Court has come to the conclusion that Sankaracharya Abhinav Sachinand Tirth Sanskrit College, Dwarika (Gujarat) an institution affiliated to Shri Vrihad Gujarat Sanskrit Parishad, Ahmedabad was entitled to provide B.Ed degree till their application for recognition was not rejected by the NCTE and thereby those candidates who has taken education in the academic Session of 1997-1998 were held to be entitled for the right of consideration based on B.Ed. degree. Similar view was thereafter taken even by the learned Single Judge in S.B. Civil Writ Petition No. 4195/1999. The petitioner herein had also taken B.Ed. degree in 1997-98 hence his case is also covered by the judgment referred to aforesaid.

3. It is further contended that petitioner had submitted even necessary medical certificate showing his disability therefore, while considering the candidature of the petitioner, respondents may take into consideration the certificate so furnished by the petitioner showing his disability thus if the said certificate satisfy the requirement of disability in the particular group then necessary consideration

as directed below may be made.

4. The respondents are directed to consider the case of the petitioner for appointment on the post of Teacher Gr.III and if found suitable, necessary order of appointment may be issued, keeping in mind his merit position, within a period of two months from the date of furnishing the certified copy of this judgment. The petitioner would however, not be entitled for any past monetary benefit other than the seniority and notional benefits from the date of candidates with less merit were given such appointment.

5. The writ petition is accordingly allowed.