
(1991) 05 RAJ CK 0049

In the Rajasthan High Court

Case No : Civil Writ Petition No. 5266 of 1990

Purushottamlal Sharma

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 06-05-1991

Acts Referred:

Citation : (1991) 1 RLW 310 : (1991) 2 WLN 477

Hon'ble Judges : I.S. Israni, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Inder Sen Israni, J.—This writ petition has been filed with a prayer that the respondents be directed to allow the petitioner to have training for the post of Laboratory Technician in the Laboratory Technician Training Course.

2. It is submitted by Mr. G.S.Fauzdar, learned Counsel, that an advertisement (Anx. 3) was published on 7.9.90 by respondent No. 1, inviting applications for training in the Lab. Technician Training Course. It is further submitted that the petitioner possessed all the required qualifications and applied to be selected for District Bharatpur. However, when the merit list was published, the name of the petitioner was not mentioned therein, even though, he obtained 57.5% marks. Respondent No. 4, whose name appeared at S. No. 14, was select even though, he had only 53.7% marks. The petitioner was not selected, as is evident from the return filed by the respondents, since his certificate of residence is alleged to be forged and that he was not bonafide resident of village Gunsara, Tehsil Kumher, District Bharatpur. It is pointed out that alongwith rejoinder, Anx. RJ/1 Ration Card of 1977 & Anx. RJ/2 Ration Card of 1980, were filed, wherein the name of the petitioner is shown. Anx. RJ/3 is a certificate of Headmaster of Government Primary School, Kumher, certifying that the petitioner is a bonafide resident of Gunsara and he studied in the school from 6.12.73 to 15.5.78 upto 5th class. Anx. RJ/4 is also a certificate of Headmaster, Government Secondary School, Gunsara, certifying that the petitioner was student in the said School

from 6.7.78 to 7.7.81 and studied from 6th Standard to 8th Standard. He left the School on 7.7.81. Anx. RJ/5 is certificate of Sarpanch, certifying that the petitioner is bonafide resident of village Gunsara. Anx. RJ/6 is voters' list, in which, name of the petitioner is also shown. Anx. RJ/7 is certificate of Mahatma Gandhi Smarak Inter College, Sonk(Mathura), certifying that the petitioner was regular student of Inter College and he passed High School Examination in 2nd Class. It is also certified that the petitioner had also, in his course, subjects of Science, i.e. Physics & Chemistry and he passed the same. Anx. RJ/8 is certificate of Principal of Janata Inter College, Margora, certifying that in the certificate of High School (10th Class), meaning of subjects Science 2 is study of Physics as well as Chemistry. It is, therefore, contended by the learned Counsel for the petitioner that the petitioner had passed High School Examination, was bonafide resident of village Gunsara, District Bharatpur, Rajasthan and had Science & Mathematics subjects also. He was, thus, more meritorious than respondent No. 4 and should have been given preference for admission in the training course.

3. It is contended by Miss Ajwani, learned Assistant Government Advocate, that in the advertisement (Anx. 3), which has also been produced by the respondents and marked as Anx. RJ/1, it has been clearly mentioned in Condition No. 1 that only such students will be eligible, who have passed Secondary Examination from the Institutions recognised by the Government of Rajasthan and preference will be given to those, who have subjects of Physics, Chemistry & Biology. It is further contended that the petitioner has not passed the examination from any Institution recognised by the Government of Rajasthan, but has passed the same from a Institution out-side the State of Rajasthan and, therefore, has rightly been not given admission in the training course. It is also contended that, even though, the petitioner had subject of Biology, as is evident from Anx. 2, but no other subject, except Science-2, is mentioned therein. Therefore, it cannot be said that the petitioner has subjects of Physics & Chemistry in Science-2.

4. I have heard both the parties & gone through the documents on record. It is abundantly clear from the Anxs. mentioned above, which have been produced with rejoinder, that the petitioner is a bonafide resident of village Gunsara, District Bharatpur, Rajasthan and has studied in the schools mentioned above. His name is also shown in the Ration Cards and voters' list. Therefore, his admission could not have been rejected, on this ground. Apart from this, it has been made clear in the certificates mentioned above by the Principals of the concerned Institutions that the subject "Science-2" means Physics & Chemistry both. It can, therefore, be said that the petitioner has studied Physics, Chemistry & Biology, as was required in the advertisement published in this respect. So far as the petitioner not having passed the High School Examination from the Institution recognised by the Government of Rajasthan is concerned, it may be pointed out that in advertisement (Anx. R/1) it is mentioned at S.No. 8 of page 3, that the name of such Board should be mentioned from where the Secondary Examination has been passed. In Rajasthan, there is only one Board, through

which, students can pass the Secondary Examination. Therefore, from this clause, it is evident that the students, who had passed Secondary Examination from other Boards, were also eligible to appear for admission in the training course. The petitioner has studied in recognised institution and has passed his examination from the Board of Secondary Education, U.P. I am, therefore, of the considered opinion that the petitioner is fully qualified to be admitted in the training and being more meritorious, he could not have been ignored.

5. It is pointed out by Miss Ajwani, learned Assistant Government Advocate, that the course started in October, 1990 and more than six months have passed away, therefore, the petitioner should not be given admission, at this stage. Apart from this, the seats have also been filled-up and there is no vacancy in the training course.

6. It may be pointed out that the result of the selection was displayed on the Notice Board on September 10, 1990. Thereafter, the petitioner contacted the Chief Medical & Health Officer (CMHO), pointing out his grievances, but with no result. He then, without delay, filed this petition on October 8, 1990. Therefore, it can be said that the petitioner knocked at the doors of this Court, well in time, soon after his grievances were not redressed at the administrative level. The petitioner is more meritorious, he has not filed any forged residence certificate, he had all the three Science subjects, i.e., Physics, Chemistry & Biology in his High School Examination. If the process of law takes time to decide a particular petition, the petitioner cannot be penalised for the same. What is required of the petitioner is to approach the Court, without delay, which he has done. However, I do not deem it appropriate to disturb the admission given to respondent No. 4, even though, he is less meritorious than the petitioner, because he has already under-gone training for about six months.

7. In the result, the writ petition is allowed. Respondent Nos. 1 to 3 are directed to give admission to the petitioner immediately, on payment of necessary charges, if any. The petitioner shall also be allowed to appear in the Examination, which may be taken for the current training course, that was started in October, 1990 and his result shall be declared.

8. The writ petition is allowed, as above, with no order as to costs.