

(2022) 07 RAJ CK 0099

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 11905, 11909, 11910, 11918 Of 2018,
10451, 10454 Of 2021

Raja Ram

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 25-07-2022

Acts Referred:

Citation : (2022) 07 RAJ CK 0099

Hon'ble Judges : Rekha Borana, J

Bench : Single Bench

Advocate : V.R. Choudhary, K.K. Bissa, G.S. Chouhan

Final Decision : Dismissed

Judgement

Rekha Borana, J

All the writ petitions involve common question of facts and law and hence are decided by this common order.

The present writ petitions have been filed on behalf of the petitioners with a prayer to be appointed on the post of Prabodhak.

The present writ petitions relate to the recruitment process of the year 2008. At the relevant point of time the petitioners were not considered for appointment on the basis that the petitioners had not acquired the eligible qualification as their supplementary result was declared after the last date prescribed for determination of eligibility. Aggrieved against the said action, different writ petitions were preferred and the same were disposed of with a direction to the petitioners to file representation to the respondent authorities and the department was directed to consider the same in accordance with law. It is averred that the representations in pursuance to the said order were filed to the respondent-department which were rejected somewhere in the month of December 2010.

The present writ petitions have been filed in the year 2018/2021 with the submission that a similarly situated employee Smt. Rashi Chundawat was granted appointment on 22.03.2010 whereas the representations of the petitioners were rejected in the month of December 2010, i.e. after affording the appointment to a similarly situated employee. It has been submitted that besides Smt. Rashi Chundawat, there are certain other similarly situated employees also who had been granted appointment.

Per contra, learned counsel for the respondents submitted that the representations of the petitioners had been rejected way back in the year 2010 and the writ petitions have been filed in the year 2018/2021 without any plausible cause for the said delay. Learned counsel further submits that the unfilled vacancies whatsoever, of Prabodhak were abolished by the State Government on 22.11.2021 and therefore, no post remain vacant as of date. Learned counsel submits that therefore, no interference can be made in favour of the petitioners.

It is clear on record that the present petitions have been filed in the year 2018/2021 without even challenging the earlier order of the year 2010 vide which the representations of the petitioners were rejected. The only ground stated in the present writ petitions is that similarly situated persons have been granted appointment and therefore, they should also be granted the same. It is clear on record that the appointment, if any, to any similarly situated employee had been granted way back in the year 2010 and the petitioners have prayed for similar treatment in the year 2018/2021. This Court cannot, in matters of recruitment, interfere after a gross delay of 8/11 years. Even if it is admitted that similarly situated employees were offered appointment, no such interference can be made in favour of the present petitioners on account of the delay caused in filing the present writ petitions.

The argument of the counsel for the respondents that the present petition cannot be entertained at this belated stage is found to be tenable as it is the settled proposition of law "that a person who chose to sit tight over his right and waited for any judgment to be passed in the case of other petitioners, cannot be held to be entitled for any relief."

As held in the case of A.P. Steel Re-Rolling Mill Ltd. v. State of Kerala and others, (2007) 2 SCC 725:-

"40. The benefit of a judgment is not extended to a case automatically. While granting relief in a writ petition, the High Court is entitled to consider the fact situation obtaining in each case including the conduct of the petitioner. In doing so, the Court is entitled to take into consideration the fact as to whether the writ petitioner had chosen to sit over the matter and then wake up after the decision of this court. If it is found that the appellant approached the Court after a long delay, the same may disentitle him to obtain a discretionary relief."

In State of Uttaranchal and another v. Sri Shiv Charan Singh Bhandari and

others, 2013(6) SLR 629, Hon'ble the Supreme Court, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed.

Moreover, the remaining vacant posts have already been abolished by the State Government and therefore, no direction can be issued by this Court for recreating the said posts again.

In view of the above observations, the present writ petitions are dismissed.

All pending applications also stand disposed of.