
(2010) 02 RAJ CK 0140
In the Rajasthan High Court

Rajasthan Public Service Commission	Vs	APPELLANT
Rekha Soni and Another		RESPONDENT

Date of Decision : 01-02-2010

Acts Referred:

Citation : (2010) 2 WLN 74

Hon'ble Judges : Jagdish Bhalla, J;Dinesh Maheshwari, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Jagdish Bhalla, J.—This is a bunch of appeals involving identical issues and, therefore, they are being clubbed; and being heard and disposed of together.

2. The learned Counsel for the appellants submits that the writ-petitioners are not of OBC category for the reason that they are not the permanent residents of the State of Rajasthan and that even if they might have been in reserve category in the other State but they cannot be given the status of OBC in this State.

3. The State of Rajasthan as well as the appellants were before the learned Single Judge; and after hearing the learned Counsel for the parties, the matter was decided. Each of the writ-petitioners had placed before the Court the certificates issued indicating that she belongs to OBC category. Accordingly, the controversy regarding the category the writ petitioner belongs to was settled by the learned Single Judge. However, it has been challenged on the ground indicated hereinabove.

4. The learned Counsel for the appellants could not show that a person not born in the State of Rajasthan could not at all be granted the status of OBC. The fact remains that the petitioner's status of OBC in the State of Rajasthan was considered and thereafter, the State machinery issued respective certificates to the effect that she belongs to OBC class. This one appears to be the reason that the State has not appealed against the judgment of the learned Single Judge. The appellant, who is a recruiting agency, has to be guided by the State for the

recruitment purposes. Once a certificate of OBC has been granted by the State, it has to be taken to be correct by the appellant. The appellant cannot challenge the status conferred upon the writ-petitioner by the State in the manner it has been done by filing these appeals.

5. The learned Single Judge has passed the detailed reasoned order and has taken into consideration the facts, inter alia, that the writ-petitioners were originally, before marriage, born in the OBC category; that the same OBC category was available in the State of Rajasthan as well; and therefore, in the State of Rajasthan too, the certificate to this effect was issued. Merely because the candidate was not born in the State of Rajasthan, it will not affect her status of OBC in the State.

6. The learned Single Judge has further clarified that in case any certificate submitted by the any of the writ-petitioners is found to be bogus or fraudulent, it would be open for the appellant to act in accordance with law.

7. In the light of, above circumstances, we find no reason to show interference.

8. All the appeals fail; and are, accordingly, dismissed.