
(2020) 02 RAJ CK 0291

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3727 Of 2019

Rajendra Pal Singh

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 17-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0291

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Shreyansh Mardia, Sandeep Shah

Final Decision : Allowed

Judgement

1. The petitioner's writ petition being SBCWP No.13790/2018 filed earlier came to be allowed by this Court on 6.10.2018, with the following

observations:

“In view of the above discussion, the rejection of the petitioners candidature on account of their failure to clear the Pet on 5.9.2018 is quashed, the

respondents are directed to hold fresh PET for the petitioners only on 15.10.2018 at Rajasthan Police Training Center, Mandore Road, Jodhpur and if

they pass in PET and stand in over all merit, they may be accorded appointment pursuant to the advertisement dated 25.5.2018.”

2. The petitioner has preferred the present writ petition, inter alia, raising grievance that in spite of successfully clearing PET, the respondents have not accorded appointment to the petitioner.

3. Mr. Shah, learned AAG submitted that true it is, that the petitioner was permitted to take part in PET and he was successful, however, respondents have not accorded appointment to him as the intra-court appeal preferred by the

State against the said judgment dated 6.10.2018 passed in petitioner's writ petition, is pending consideration before the Division Bench.

4. Mr. Mardia, learned counsel for the petitioner argued that in the light of the judgment dated 11.12.2019 passed in the case of State of Rajasthan &

Ors. Vs. Thawara Ram (SLP No.12884/2019) whereby the State's SLP has been rejected, the pendency of the intra-court appeal filed by the

respondent is "State is an empty formality and the petitioner is therefore, entitled for a direction to the respondents to accord him appointment.

5. Having regard to the facts obtaining and the submissions made, without observing anything about the competence or otherwise of the special appeal

filed by the respondent, this Court is of the view that the petitioner is entitled to appropriate direction.

6. The petition is therefore, allowed. The respondents are directed to accord appointment order to the petitioner, if petitioner is otherwise eligible,

within a period of four weeks from today.

7. Before the petitioner is allowed to join, the respondents may obtain an undertaking from the petitioner to the effect that in case the special appeal

preferred by the State is allowed and the order passed in petitioner's writ petition is reversed or otherwise modified, the petitioner shall be bound

by such order, subject of course to remedies available to him in accordance with law.

8. The stay application also stands disposed of accordingly.