

(2019) 08 RAJ CK 0216

In the Rajasthan High Court

Case No : Civil Writ Petition No. 12290 Of 2019

Rameshwar Lal And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 26-08-2019

Acts Referred:

Citation : (2019) 08 RAJ CK 0216

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Inderjeet Yadav

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioners aggrieved against the result dated 08.08.2019 (Annex.14) and a prayer has been made that the respondents be directed to issue fresh result on the basis of the marks obtained by the candidates only in the written examination. A prayer has also been made that the authorities may be directed not to award any weightage marks to candidates holding CITS certificate.

It is, inter-alia, indicated in the writ petition that the recruitment process for appointment to the post of Junior Instructor was going on since advertisement dated 26.04.2011 (Annex.1), which ultimately culminated in fresh advertisement dated 16.09.2016 (Annex.4). The said advertisement was challenged by filing D.B. Civil Writ Petition No.12145/2016 : Rajveer Singh & Ors. v. UOI & Ors., which came to be allowed by order dated 17.01.2017, wherein the advertisement dated 16.09.2016 was held liable to be quashed and the following directions were issued :-

"The respondent State Government is directed to issue fresh advertisement in consonance with the Central Government and NCVT Guidelines. It is also made clear that the aspirants, who were within the age limit on the last date of impugned / questioned advertisement dated 16/09/2016 and who have attained

eligibility in the meanwhile, shall also be competent and eligible to apply in coming / prospective recruitment advertisement."

Pursuant thereto, fresh advertisement dated 25.04.2018 (Annex.6) has been issued, inter-alia, providing for award of marks to CITS certificate holders, as under :-

"नोट:- (1) पद कोड संख्या 1 से 9 तक की तकनीकी योग्यता में संबंधित व्यवसाय में CITS प्रमाणपत्रधारी अभ्यर्थियों को उनके CITS में प्राप्त अंकों का 30 प्रतिशत वेटेज दिया जायेगा।

(2) पद कोड संख्या 2 कनिष्ठ अनुदेशक (मैकेनिक डीजल इंजन) के लिये हैवी मोटर व्हीकल चालक का लाईसेंस अनिवार्य है।"

Pursuant thereto, the written examination was held. In the Scheme of examination (Annex.10), it was indicated that the minimum marks required would 40% in the written examination, which was of 150 marks. After holding of the written examination, the result dated 08.08.2019 (Annex.14) has been declared, wherein under the note following has been indicated :-

"1. प्रश्न पत्र में कुल प्राप्तांक 150 थे। इन 150 अंकों को 70% के स्केल पर किया जाकर CITS के प्रमाण पत्र धारी अभ्यर्थियों को उनके आवेदन/दावे के अनुरूप उनके CITS में प्राप्त अंकों को 30% वेटेज दिया गया है। प्रश्न पत्र में प्राप्त प्राप्तांको एवं CITS के प्राप्तांको को उक्त भारांक के अनुरूप जोड़ते हुए वरीयता सूची तैयार की गई है। जो पूर्णतया अंतरिम है। इस वरीयता सूची में CITS के प्राप्तांको का सत्यापन होना शेष है। CITS के प्राप्तांक सत्यापन होने के पश्चात् ही अंतिम होंगे। इन अंकों का सत्यापन न होने की स्थिति में वरीयता सूची में परिवर्तन संभव है। इस प्रकार यह वरीयता सूची पूर्णतया अंतरिम है।"

It is submitted by learned counsel for the petitioners that with the award of 30% marks to the CITS certificate holders and scale down marks in written examination of the candidates like petitioners, who are Non-CITS certificate holders, the petitioners have been pushed out from the selection process, inasmuch as, all the candidates having CITS certificates would be entitled to marks over and above written examination upto 30%, resulting in the candidates getting excessively more marks for their said status and therefore, the action of the respondents in ordering for award of 30% marks to CITS holders and scaling down the marks of the petitioners in written examination to 70%, cannot be sustained.

Further submissions have been made that by another circular dated 07.01.2016 (Annex.15), a further provision has been made requiring award of 60% weightage for marks in technical qualification, 30% weightage for CITS certificate holders and 10% weightage for interview, however, the said aspect has not been taken into consideration while issuing the advertisement and therefore, the action of the respondent cannot be sustained.

I have considered the submissions made by learned counsel for the petitioners and have perused the material available on record.

It is an admitted position that when the advertisement in the year 2016 was

issued without providing for award of weightage to CITS certificate holders, in the case of Rajveer & Ors. (supra), the Division Bench quashed the advertisement and ordered that fresh advertisement in consonance with the guidelines be issued. Pursuant thereto, present advertisement dated 25.04.2018 (Annex.6) has been issued, providing for the award of 30% weightage to CITS certificate holders. The petitioners participated in the selection process without questioning the validity of the said inclusion, which, even otherwise, was not open in view of the Division Bench judgment in the case of Rajveer Singh (supra) and the result has been declared indicating that the marks awarded in the written examination would be scaled to 70% and after adding 30% weightage for the CITS certificate holders, the marks have been arrived at, now again the challenge has been laid. It is too late for the petitioners as having participated in the selection process, the question of validity of the award of marks by scaling the marks obtained in the written examination, cannot be questioned.

Submission was made that for Non-CITS certificate holders, the same may not be scaled down and for CITS certificate holders, the same be scaled down, such a submission made by the petitioners cannot be accepted as insofar as the marks obtained in the written examination is concerned, either the same would be required to be scaled down for all the candidates or the same would not be scaled down for all the candidates irrespective of the fact whether they hold CITS certificates or not and therefore the same would be inconsequential.

Once, the candidates holding CITS certificates are entitled to weightage as per the advertisement and the circular, which has been directed to be implemented in the case of Rajveer Singh (supra), the various pleas sought to be raised by the petitioners cannot be countenanced. The action of the respondents in providing for scaling of marks to 70% and awarding weightage of 30% for CITS certificate holders, cannot be faulted.

The plea pertaining to implementation of circular dated 07.01.2016 (Annex.15) raised as an afterthought also does not advance the cause of the petitioners as their grievance against award of weightage to CITS certificate holders is not addressed. On the other hand, the marks of written examination would be scaled down to 60%.

Consequently, there is no substance in the writ petition, the same is, therefore, dismissed.