

(2018) 04 RAJ CK 0180

In the Rajasthan High Court

Case No : Civil Writ Petition No. 10369, 10475 of 2015

Shiva Ram & Ors @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 12-04-2018

Acts Referred:

Citation : (2018) 04 RAJ CK 0180

Hon'ble Judges : DR. PUSHPENDRA SINGH BHATI, J

Bench : Single Bench

Advocate : Devendra Soni, Sukesh Bhati, Vikas Choudhary, SS Ladrecha

Final Decision : Disposed Off

Judgement

1. The petitioner has preferred this writ petition for the following reliefs :-

(a) by an appropriate writ, order or direction, the respondents may kindly be directed to award bonus marks of experience to the petitioners for

the services rendered by them in the Government Education Projects and the respondents may kindly be directed to consider the experience

certificate of the petitioners for awarding bonus marks and age relaxation in the advertised vacancy of Vidhyalaya Sahayak-2015 and;

(b) by an appropriate writ, order or direction, the respondents may kindly be directed to give appointment to the petitioners on the post of Vidhyalaya

Sahayak in pursuance of the advertisement dated 21.7.2015 if they secure the requisite merit after adding bonus marks of experience with all

consequential benefits.

(c) Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may

kindly be passed in favour of the petitioner.

(d) Writ petition filed by the petitioner may kindly be allowed with costs.

2. Learned counsel for the parties agree that the controversy involved in this matter is squarely covered by the judgment rendered by a Coordinate

Bench of this Court in a batch of writ petitions led by Neha Tailor Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.9957/2015) decided on

01.10.2015. The operative portion of the judgment aforesaid reads as follows :-

“As a result, neither any scope remains nor any extensive directions are required to be issued in this batch of writ petitions but still, in order to

ensure that no confusion remains at any quarter:-

(A) It is made clear that the candidates, who gained experience in any school/scheme and in the position other than the ones provided in Rule 2(j) of

the Rules shall not be entitled for consideration in view of the various judgments rendered by the Hon’ble Division Bench of this Court upholding

the validity of the Rules as indicated above. At the same time, the candidates who gained the requisite experience as per Rule 2(j) while being

engaged through placement agencies shall be entitled to be considered for selection.

(B) The categories of persons, who gained experience while working as Preraks, Guest Faculty, Anganwadi Workers or in Bharati Foundation, in

Maa-Badi Project, Bal-Badi Project, in Anaupcharik Shiksha Project, in Mukhyadhara Shiksha Project and in Water Conservation Project, shall not be

entitled to be considered for selection in the questioned recruitment process.

(C) Those, who have crossed the upper age limit as provided in Rule 15 and were not serving in any of the Govt. Schools/projects defined in Rule 2(j)

of the Rules as on the date of the submission of the application forms, shall also not be entitled to be considered for selection.

(D) Those candidates, who gained experience while working in any of the schools/projects defined in Rule 2(j) of the Rules and were under age at the

time of their initial entry in the earlier stint of service, will not be ousted from the zone of consideration in case presently, they are within the prescribed

age limit i.e. 18 to 35 years.

The major hurdle faced by the aspirants was that despite fulfilling the requisite norms, they were not successful in uploading their online application

forms in absence of the experience certificate in the prescribed proforma. The grievance raised by the candidates was that the concerned District

Education Officers are not countersigning the experience certificates and

therefore, they are being prevented from applying in the selection process despite being eligible. This Court, by interim orders passed on different dates has already allowed the aspiring candidates to submit their offline application forms to the authorities but the final right of consideration has been made subject to the out come of these writ petitions.

Since the issues relating to numerous possible scenarios in relation to the recruitment, have already been settled with the decisions rendered by this Court in the abovementioned batches of writ petitions, it is now upto the authorities to either scrutinize the petitioners's offline applications or to devise a procedure by which online application forms of those candidates, who submitted offline applications under the interim directions of this Court can be procured so as to facilitate and expedite the scrutiny process. The respondent authorities shall scrutinize the application forms by adopting a suitable method. The application forms of the eligible aspiring candidates shall not be rejected solely for the reason of not being accompanied with the experience certificate in the prescribed proforma. In such cases, the authorities shall get the experience certificates verified before proceeding with the selection. The experience certificates shall be accepted only subject to verification by the issuing authority.

In case, the candidature of a candidate is rejected for the reason that the experience gained by the concerned candidate is not covered within the ambit of Rule 2(j) of the Rules, then in such event, the brief reason of rejection shall be communicated to the candidate concerned as early as possible.

No order as to costs.

A copy of this order be placed in each file.??

3. In light of aforequoted judgment, this writ petition is disposed of with a direction to the respondents to decide candidature of petitioners in the aforementioned terms.