

(2019) 05 RAJ CK 0087
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6502 Of 2019

Shubh Kumar

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 10-05-2019

Acts Referred:

Citation : (2019) 05 RAJ CK 0087

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : R.K. Prajapat, Manish Patel

Final Decision : Allowed

Judgement

This writ petition has been filed by the petitioner seeking a direction to accept offline amendment form of the petitioner pursuant to the notification dated 15.02.2019 (Annexure-6) and allow him to participate in the further process of selection in case he is otherwise eligible and falls in the merit.

It is, inter alia, indicated in the writ petition that the petitioner applied for a post of Physical Training Instructor pursuant to the advertisement dated 04.05.2018. In the online application form, those claiming benefit of reservation against outstanding sports person quota, details were required, however, the required particulars, for the purpose of getting marks based on the credentials of the petitioner were not provided. The result was declared on 29.01.2018 (Annexure-4), wherein, the roll number of the petitioner did not appear as the petitioner did not make the cut off.

Whereafter, the respondents issued a press note dated 15.02.2019 (Annexure-6), giving a window to the candidates, who had not produced the requisite documents pertaining to their credentials as sports person for the purpose of awarding marks based on the said credentials, however, it is claimed that petitioner could not notice the same and though the petitioner is in possession of a certificate of having participated in Inter University Tournament

(West Zone), for which he is entitled to 16 marks and if he is not permitted to produce the said credentials, he would be deprived of marks and his legitimate position in the merit list.

Submissions have also been made that pursuant to the documents produced by the candidates in terms of press note dated 15.02.2019, the respondents Selection Board has not issued the fresh merit list so far and, therefore, no one else would be affected by the same.

A copy of the writ petition was directed to be served on Mr. Manish Patel, learned counsel, who has put in appearance on behalf of the respondents and on directions of the Court has confirmed that after production of the documents by the candidates pursuant to the press note dated 15.02.2019 (Annexure-6), the Board is yet to declare a fresh result/merit.

Submissions have made that as a window was given by the respondent Board by press note dated 15.02.2019, as the same has not been availed by the petitioner, the petitioner is not entitled to now seek the relief from this Court and the petition deserves to be dismissed.

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

It is not in dispute that in so far as the online application form was concerned, there was confusion pertaining to the candidates having credentials of participation in various sports to indicate their credentials in the application form, however, when certain petitions were filed before this Court, during pendency of the said writ petition, on 15.02.2019 the respondent Board apparently on realizing the said discrepancy, afforded opportunity to the candidates to do the needful in terms of the said press note.

The petitioner claims to be unaware of the said press note. Though the said aspect of unawareness of the petitioner may not be too relevant as the press note is issued for all candidates and pursuant thereto candidates have applied with the respondent Board, the fact that the respondents are yet to take steps pursuant to the production of documents, and petitioner claims to have a credential filed as Annexure-7, in case the petitioner is afforded one opportunity, the same would not affect any other candidate, inasmuch as, the result/merit is yet to be declared.

In view of the above fact situation, the petition filed by the petitioner is allowed. The petitioner would approach the respondents alongwith the requisites as per the press note dated 15.02.2019 by 13.05.2019 and on production of the requisites as per the press note dated 15.02.2019, the respondent shall accept the same and would take into consideration the same for the purpose of proceeding further with the selection process pursuant to the press note dated 15.02.2019.