

(2010) 01 RAJ CK 0067
In the Rajasthan High Court

Shyopat Singh Bajigar, Om Prakash and Another, Surendra Kumar and Manohar Lal Parihar and Others APPELLANT

Vs

State and Others RESPONDENT

Date of Decision : 13-01-2010

Acts Referred:

Citation : (2010) 01 RAJ CK 0067

Hon'ble Judges : P.C. Tatia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prakash Tatia, J.—The learned Counsel for the petitioners as well as the learned Counsel for the State submit that the issue raised in these writ petitions has already been answered in the judgment of this Court delivered in S.B. Civil Writ Petition No. 2579/09-Devendra Kumar and Ors. v. The State and Ors. and 502 connected matters decided on 15.5.2009 and, thereafter, the Division Bench of the Rajasthan High Court at Jaipur dismissed the appeals preferred by the private parties, therefore, these writ petitions may also be decided in the light of the decision given in above S.B. Civil Writ Petition No. 2579/09 as well as in the light of the decision given in S.B. Civil Writ Petition No. 4652/09 and connected 632 writ petition decided on 8.5.2009.

2. In view of the statement of both the learned Counsel for the parties, these writ petitions are also allowed in the following terms:

I. During continuation of the work, as detailed out hereinabove, the invocation of the last extension is arbitrary and illegal; and the consequential automatic termination orders of the petitioners are set aside.

II. The RPSC/DPC selected candidates/employees are still not available and next academic sessions is about to start; even urgent temporary appointments under Rule 28 of the Rules of 1971 are not possible due to short span of one month and a half left to start with the process of admission and academic session,

therefore, as per the aims and objects of the Scheme, respondents are directed to consider the cases of the petitioners for continuation in service till regularly selected candidates from RPSC/persons selected and recommended by the DPC for promotion are made available in the light of the above observations;

III. Even in case of appropriate order of continuation in service till regularly selected candidates from RPSC/DPC selected persons are available, the petitioners are not entitled for wages of the vacations, in other words, when the schools are closed.

IV. In case the regularly selected candidates from RPSC/persons selected and recommended by the DPC for promotion are made available, then the respondents can terminate services of the petitioners after preparation of the seniority list on the State level as per their date of appointment and merit assigned to them, by following the principle of "last come first go" to the extent of availability of the selected candidates and while doing so, the respondents will keep the interest of the present students and prospective students in view.

3. The learned Counsel appearing for the petitioners are also directed to submit the court fee of Rs. 25/- for each of the petitioners in case it is a joint writ petition and certified copy of this order may be issued to the petitioners only subject to payment of this Court fee.