
(2019) 01 RAJ CK 0023
In the Rajasthan High Court
Case No : Civil Writ No. 19196 Of 2018

Sonu

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0023

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Ripudaman Singh, M.S. Champawat, Rajesh Panwar

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner aggrieved against disposal of her representation by order dated 29.11.2018 (Annexure-7).

It is, inter alia, indicated in the writ petition that the petitioner had questioned the action of the respondents in not providing reservation for divorcee woman while granting appointment on the post of Safai Karamchari by filing S.B.C.W.P. No. 16244/2018, which writ petition came to be decided by order dated 24.10.2018 requiring the respondents to decide the representation made by the petitioner.

By the impugned order dated 29.11.2018 it has, inter alia, been indicated by the respondents that as there were in all 33 posts and in none of the categories there was any reservation for divorcee women and, therefore, the petitioner could not be selected under the said category.

It is submitted by learned counsel for the petitioner that the rejection of petitioner's representation by order dated 29.11.2018 is not justified, inasmuch as, in the advertisement it is specifically indicated that there would be 2% reservation for divorcee women, however, in the order impugned the indication made is totally contrary and, therefore, the order impugned deserves to be

quashed and set aside.

Learned counsel appearing for the respondent - caveator make submissions that though the reservation for divorcee women has been provided, however, looking to the number of posts advertised for the particular Municipal Board, there was no scope for grant of any reservation to divorcee and, therefore, the order impugned does not call for any interference.

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

Admittedly, as per the advertisement, a horizontal reservation of 30% has been provided for women, out of which, 8% has been reserved for widows and 2% for divorcee.

A look at the order dated 29.11.2018 indicates that out of total 33 posts in each category, 6 have been reserved for women and 1 post, out of the same, for widow. As the total posts available for women is only 6, the 2% reservation as envisaged under the Rules would not lead to even a single post for the divorced women and, therefore, the determination made by the respondents cannot be faulted.

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