

(2018) 05 RAJ CK 0198

In the Rajasthan High Court

Case No : Civil Writ Petition No. 5848, 6608 of 2018

Subhash @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 28-05-2018

Acts Referred:

Constitution of India, 1950 — Article 226(3)

Citation : (2018) 05 RAJ CK 0198

Hon'ble Judges : ARUN BHANSALI, J

Bench : Single Bench

Advocate : Subhash, Jaikaran Bishnoi, Bhanwar Lal Sharma, Bhishm Kumar Maharshi, Pitambar

Final Decision : Dismissed

Judgement

Mr. Subhash (petitioner No.1 in SBCW No.5848/2018) is present in person.

Mr. Mahendra Singh Fadoda (petitioner No.1 in SBCW No.6608/2018) was present on 23.05.2018, when matters were ordered to be listed on

25.05.2018. However, none of the petitioners in the said writ petition have chosen to appear either on 25.05.2018 or today.

However, looking to the nature of the case and the fact that cause of the petitioners in SBCW No.6608/2018 is identical to that of petitioners in

SBCW No.5848/2018 and the interim order was granted in SBCW No.6608/2018 based on the order passed in SBCW No.5848/2018, both the

matters have been taken up together for orders on application under Article 226(3) of the

Constitution of India filed in SBCW No.5848/2018.

These writ petitions have been filed by the petitioners, inter alia, seeking a direction to the respondents to prepare a separate seniority list subject-wise

for the purpose of promotion to the post of Principal.

By order dated 26.04.2018, it was directed that the respondents may undertake the exercise for promotions to the post of Principal, however, final list

in this regard, shall not be issued by them without prior permission from this Court.

Reply to the writ petition has been filed alongwith an application seeking vacation of the interim order.

During the course of submissions, an additional affidavit has been filed on 24.05.2018, inter alia, indicating that in the exercise undertaken by the

respondents, out of 2276 to be promoted candidates, only 84 to be promoted candidates belong to the selection process of direct recruitment of the

year 2008, wherein the petitioners alongwith others were recruited and among them 78 candidates are of ST category, whereas the petitioners belong

to General category.

Further submissions have been made that only 6 candidates would be selected from the selection process of 2008, in which the petitioners were also

selected and as the claim of the petitioners can only be against the selected candidates of the year 2008, the entire process of promotion stayed by

way of interim order may be modified and interim protection to the petitioners may be given for keeping the posts pertaining to their selection year, be

kept pending during the pendency of the writ petition.

On the additional affidavit, a response has been filed by the petitioners though not responding to the plea raised by the respondents, however, a fresh

controversy is sought to be raised regarding the inter se quota between direct recruitment Lecturer and Headmasters.

Having considered the submissions made by the petitioner and the Officer-in-Charge, it is apparent that the present writ petitions are confined to the

recruitment, which took place pursuant to the advertisement No.1/2008-09, wherein the appointments were given in the year 2010 and, therefore,

there is substance in the submissions made on behalf of the respondents that in so far as the other promotions are concerned, the same shall not be

effected by the outcome of the present writ petition and, therefore, stay of the entire promotion process may not be continued.

In view of the above fact situation, the application filed by the respondents under Article 226(3) of the Constitution of India seeking vacation of the

interim order is disposed of, the interim order dated 26.04.2018 passed by this

Court is modified to the extent that the respondents would be free to go ahead with the promotion exercise and the action subsequent thereto, however, they shall not grant promotions to any person recruited pursuant to the advertisement No.1/2008-09 to whom appointments have been granted in the year 2010.

The stay applications filed by the petitioners in both the writ petitions also stand disposed of.

In view of the fact that the interim order granted by this Court, has already been modified, the applications filed by the applicants seeking impleadment

in the present writ petitions, have been rendered infructuous, the same are, therefore, dismissed as having become infructuous.Â Â Â