
(2020) 02 RAJ CK 0313
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1610 Of 2020

Sunil	Vs	APPELLANT
State Of Rajasthan And Ors		RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0313

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Shreyansh Mardia, Sandeep Shah

Final Decision : Allowed

Judgement

1. The petitioner's writ petition being SBCWP No.17320/2018 filed earlier came to be allowed by this Court on 16.11.2018 , with the following

observations::

â??In view of the submissions made, the writ petition filed by the petitioners is allowed in the light of judgment in the case of Thawara Ram (supra).

The respondents are directed to hold a fresh PET for the petitioners on 20.11.2018 at the Rajasthan Police Training Center, Mandor Road, Jodhpur. If

the petitioners qualify such PET and stand in the overall merit, they shall be accorded appointment subject to fulfilling other eligibility conditions

pursuant to the advertisement dated 25.5.2018.â??

2. The petitioner has preferred the present writ petition, inter alia, raising grievance that in spite of successfully clearing PET, the respondents have not accorded appointment to the petitioner.

3. Mr. Shah, learned AAG submitted that true it is, that the petitioner was permitted to take part in PET and he was successful, however, respondents

have not accorded appointment to him as the intra-court appeal preferred by the State against the said judgment dated 16.11.2018 passed in

petitioner's writ petition, is pending consideration before the Division Bench.

4. Mr. Mardia, learned counsel for the petitioner argued that in the light of the judgment dated 11.12.2019 passed in the case of State of Rajasthan &

Ors. Vs. Thawara Ram (SLP No.12884/2019) whereby the State's SLP has been rejected, the pendency of the intra-court appeal filed by the

respondent " State is an empty formality and the petitioner is therefore, entitled for a direction to the respondents to accord him appointment.

5. Having regard to the facts obtaining and the submissions made, without observing anything about the competence or otherwise of the special appeal

filed by the respondent, this Court is of the view that the petitioner is entitled to appropriate direction.

6. The petition is therefore, allowed. The respondents are directed to accord appointment order to the petitioner, if petitioner is otherwise eligible,

within a period of four weeks from today.

7. Before the petitioner is allowed to join, the respondents may obtain an undertaking from the petitioner to the effect that in case the special appeal

preferred by the State is allowed and the order passed in petitioner's writ petition is reversed or otherwise modified, the petitioner shall be bound

by such order, subject of course to remedies available to him in accordance with law.

8. The stay application also stands disposed of accordingly.