

(2020) 02 RAJ CK 0137

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1301, 1546, 1560 Of 2020

Thana Ram And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 05-02-2020

Acts Referred:

Citation : (2020) 02 RAJ CK 0137

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Hapu Ram Vishnoi, Tanwar Singh Rathore, Vivek Aggarwal, Vandana Bhansali, Vinit Sanadhya

Final Decision : Disposed Of

Judgement

1. The petitioners in the present bunch of writ petitions have approached this Court seeking a direction to the respondents for issuance of experience certificate inter alia contending that they have worked as Pharmacist in various schemes of the Government under PPP modes.
2. According to the petitioners, the concerned CMHO has refused to issue them experience certificate, as they are not entitled for bonus marks.
3. Inviting Court's attention towards relevant clause of the advertisement, learned counsel for the petitioners contended that if the petitioners have not been issued experience certificate, their very eligibility will be at risk. While maintaining that petitioners are entitled to claim bonus marks also, learned counsel argued that petitioners are entitled to seek a direction for issuance of experience certificate.
4. With the submissions aforesaid, learned counsel for the petitioners prayed that a direction be issued to the concerned Chief Medical & Health Officer to issue experience certificate to the petitioners, in accordance with law.
5. Ms. Vandana Bhansali, learned counsel for the respondentState submitted that

the proforma of experience certificate given in the advertisement not only provides for period of experience, but also provides for applicable bonus marks, which a candidate is entitled. She apprehended that if any direction is issued, the petitioners will not only show their experience, but will also claim bonus marks.

6. Having heard learned counsel for the parties, this Court is of the opinion that the respondents cannot deny the petitioners, their right of getting experience certificate in respect to their services, inasmuch as, the same is basic eligibility condition in the advertisement. Denial of experience certificate on the pretext that the petitioners may claim bonus marks is wholly arbitrary and violative of petitioners' fundamental rights.

7. As a result of the discussion aforesaid, writ petitions succeed. The respondents are directed to issue experience certificate to the petitioners, of course after verifying the span of services rendered by them. The requisite certificate be issued within a period of three days of placing certified copy of the order instant.

8. Needless to observe that petitioners' claim for bonus marks will be considered by appropriate authority at the time of document verification/process of selection on the basis of experience certificate so produced by them.

9. Stay petitions also stand disposed of.