

(2017) 03 RAJ CK 0081
In the Rajasthan High Court
Case No : 831 of 2016

The State of Rajasthan

APPELLANT

Vs

Manoj Kumar Purohit S/o Late Shri Krishan Kumar Purohit

RESPONDENT

Date of Decision : 25-03-2017

Acts Referred:

Citation : (2017) 03 RAJ CK 0081

Hon'ble Judges : Gopal Krishan Vyas, G.R. Moolchandani

Bench : DIVISION BENCH

Advocate : PR Singh, Sanjeet Purohit

Final Decision : Dismissed

Judgement

1. The instant special appeal has been filed by the State of Rajasthan against the judgment dated 8. 8.2.2016 passed in SBCWP NO.1197/2015 whereby the learned Single Judge allowed the writ petition and passed an order that case of the respondent-petitioner may be considered for appointment on the post of Clerk Grade-II on compassionate ground by considering the educational qualification of BAP certificate obtained from Vardhman Mahaveer Open University, Kota, equivalent to a certificate of Senior Secondary School Examination. Further, directed that if the petitioner fulfills all other qualifications, the case of the respondent-petitioner for appointment on the post of Clerk Grade-II be considered within a period of two months from the date of receipt certified copy of this order.

2. After hearing learned counsel for the parties, we are of the opinion that in case of Baboo Lal Meena & Ors. Vs. State of Rajasthan passed in SBCWP NO.1594/2009, decided on 22.2.2010 it has been held that the qualification of BAP by Vardhman Mahaveer Open University, Kota is equivalent to a certificate of secondary school examination and said judgment has already attained finality because DBSAW No.05668/2010 filed by the State Government was dismissed by the Division Bench on 19.7.2011. The learned Single Judge while following the aforesaid judgment held that respondent-petitioner is entitled for the relief sought for, therefore, there is no question to interfere in the impugned judgment passed by the learned Single Judge because the qualification of BAP certificate has been treated equivalent to the certificate of secondary school examination.

3. In view of the above, there is no force in this special appeal and therefore, the same is hereby dismissed.