

(2018) 12 RAJ CK 0348
In the Rajasthan High Court
Case No : Civil Writs No. 26215 Of 2018

Yogendri Kumari Yadav

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-12-2018

Acts Referred:

Citation : (2018) 12 RAJ CK 0348

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : Vigyan Shah, YS Jadaun, SK Gupta

Final Decision : Allowed

Judgement

The petitioner applied in the OBC (widow) category for appointment to the post of Teacher Grade-III (Level-I) in Zila Parishad, Alwar pursuant to the advertisement dated 11.8.2013. A revised select list for appointment to the said post in Zila Parishad, Alwar was issued on 3.4.2018. The petitioner to her consternation found herself excluded. In the circumstances she invoked the Right to Information Act, 2005 seeking by way of an application the reason for her non appointment to the post applied for, despite her merit. Vide letter dated 9.10.2018, the petitioner was informed that she had been excluded for reason of lacking the prescribed eligibility under the advertisement dated 11.8.2013. Hence this petition.

The petitioner's case is that reason for which it was held by the respondents that she lacked eligibility, was that she did not have 45% marks at the Sr. Secondary level. It was submitted that the respondents in so holding have overlooked the alternate qualification prescribed under the advertisement dated 11.8.2013 for conferring eligibility i.e. graduation with BSTC Diploma which also rendered the candidates seeking appointment eligible for the post of Teacher Grade-III (Level-I) and (Level-II) inter-alia in Zila Parishad, Alwar. Counsel for the petitioner submitted that the very issue which arises in this petition came up before this

Court in the case of Meva Devi Gupta Versus The State of Rajasthan and Zila Parishad, Alwar (S.B. Civil Writ Petition No.10761/2018) as the said Meva Devi Gupta was similarly excluded as the petitioner was from the revised select list dated 3.4.2018 for appointment to the post of Teacher Grade-III (Level-I) in Zila Parishad, Alwar for reason of purportedly not having the requisite 50% marks at the Sr. Secondary level, albeit she was a graduate with a diploma in BSTC. On Meva Devi Gupta approaching this Court in SBCWP No. 10761/2018, vide order dated 5.10.2018 following the judgment of Principal Seat of this Court in the case of Neeraj Kumar Patidar Versus The State of Rajasthan and others (SB Civil Writ Petition No. 10749/2018) decided on 29.8.2018, the Court held that Meva Devi Gupta being a graduate with Diploma in BSTC had the requisite eligibility in terms of advertisement dated 11.8.2013 for appointment to the post of Teacher Grade-III (Level-I) in Zila Parishad, Alwar. The petitioner's case, counsel submitted, is identical with that of Meva Devi Gupta because she too, despite not having 50% marks at the Sr. Secondary level, was held to have the requisite alternate qualification / eligibility for the post in issue, being a graduate with a Diploma in BSTC.

Mr. YS Jadaun appearing for the respondents is not in a position to defend the case as set up in view of the fact that he himself had appeared for Zila Parishad, Alwar in the case of Meva Devi Gupta where this Court held that the alternate qualification of graduation with diploma in BSTC conferred eligibility for appointment to the post of Teacher Grade-III (Level-I) in Zila Parishad, Alwar.

Consequently, this petition is allowed. It is directed that the petitioner be appointed to the post of Teacher Grade-III (Level-I) in Zila Parishad, Alwar in terms of her merit reckoning her to be eligible for the said post for reasons of having the qualification of graduation with a Diploma in BSTC. She on being appointed as directed hereinabove be granted notional benefits due.

Necessary steps for compliance with the writ's order be taken within four weeks from the date of presentation of a certified copy.