
(2020) 02 RAJ CK 0315
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1834 Of 2020

Yogita

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Rajasthan Education Subordinate Service Rules, 1971 — Rule 11

Citation : (2020) 02 RAJ CK 0315

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : DL Mothsra

Final Decision : Dismissed

Judgement

1. The petitioner had applied for the post of Senior Teacher pursuant to the advertisement dated 9.4.2018. At the time of furnishing her application form, she was pursuing final year of her Bachelor of Education Degree, which fact, was indicated by her in the application form.
2. The written examination for the post of Senior Teacher was held on 31.10.2018 and 1.11.2018.
3. Petitioner's result of Bachelor of Education Degree was declared on 31.7.2019, before the result of the written examination for the post of Senior Teacher was declared by the RPSC on 2.8.2019.
4. Mr. Mothsra, learned counsel contended that since the petitioner had secured the degree of Bachelor of education on 31.7.2019, prior to the declaration of result by RPSC, the petitioner is entitled to be declared eligible for the post of Senior Teacher.
5. In support of his arguments, learned counsel relied upon the judgment dated 10.9.2015 rendered in the case of Smt. Manju Chhaba Vs. State of

Rajasthan & Ors. (SBCWP No.34/2015) and corresponding Division Bench judgment dated 4.4.2016 in DBSAW No.127/2016 (RPSC Vs. Smt.

Manju Chhaba & Ors.).

6. Heard.

7. As per the rule 11 of the Rajasthan Education Subordinate Service Rules, 1971, a candidate can apply for the post, if he/she is pursuing final year of the requisite eligibility qualification, however, he/she has to produce proof of clearing the examination before the main examination.

8. Admittedly, the examinations for the post of Senior Teacher well held on 31.10.2018/1.11.2018, by which date, the petitioner had not obtained, the requisite eligibility qualification, i.e., Bachelor of Education.

9. In so far as the judgments cited by the learned counsel in the case of Manju Chhaba (supra) are concerned, suffice it to observe that distinguishing

these judgments, this Court vide its judgment dated 23.1.2020 rendered in the case of Ami Lal Vs. State of Rajasthan & Ors. (SBCWP

NO.17365/2019) has repelled identical argument of the writ petitioner while rejecting his petition for writ. It will not be out of context to reproduce

relevant part of the judgment:

13. Division Bench judgment cited by learned counsel is clearly distinguishable on facts, as in that case concerned candidate had furnished proof

of clearing the qualifying examination on 22.02.2014 and the examinations continued from 21.02.2014 to 25.02.2014; whereas in the present case,

petitioner has acquired the qualification after one month of the written examinations.

10. Following the judgment in the case of Ami Lal (supra), this writ petition is also dismissed.

11. The stay application also stands disposed of accordingly.