HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14788/2019

Manish Kumar Meena S/o Kaluram

----Petitioner

Versus

State Of Rajasthan

----Respondent

Connected With

S.B. Civil Writ Petition No. 14154/2019

Vijay Singh S/o (Late) Shri Bhagwat Singh

----Petitioner

Versus

Rajasthan Public Service Commission

----Respondent

S.B. Civil Writ Petition No. 14678/2019

Pradeep Kumar S/o Ishwar Singh

----Petitioner

Versus

Rajasthan Public Service Commission

----Respondent

S.B. Civil Writ Petition No. 14773/2019

Birjesh Nagar S/o Devkaran Nagar

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 14739/2019

Sushmita Kumari Daughter Of Shri Lokendra Singh,

----Petitioner

Versus

Rajasthan Public Service Commission

----Respondent

For Petitioner(s)	:	Mr. RN Mathur, Sr. Adv. with Mr. Shovit Jhajharia Ms. Akansha Saxena
For Respondent(s)	:	Mr. MF Baig Mr. Govind Gupta

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Judgment / Order

26/09/2019

Learned Senior Advocate appearing for the petitioners submits that with regard to Rule 14 of the **Rajasthan State Engineering Services (Direct Recruitment by Combined Competitive Examination) Rules, 1991** the Division Bench took a view that the process of migration of the candidates from one category to another would not be available at the stage of preliminary examination in relation to Rule 15 of the **Rajasthan State and Subordinate Services (Direct Recruitment by Combined Competitive Examination) Rules, 1999.** The view taken by the Division Bench was challenged by the RPSC in **SLP No.21910/2018 decided on 31.08.2018 in the case of RPSC Vs. Garima Sharma** and the Supreme Court has cited the judgment passed by the Division Bench of this court in the case of **Garima Sharma Vs. State of Rajasthan & Another in DBSAW No.1448/2016 decided on 08.05.2018.**

In the present set up of examination, the RPSC has issued a cut-off list disallowing the migration of OBC and ST category candidates to General Category (male/female) instead of having higher merit resulting in a variation of cut-off marks on higher sides. So far as, OBC and ST category candidates are concerned to that of General category (male/female), the main examinations are to be conducted from 9th October, 2019.

It is further submitted that no reason has come forward for the change of stand taken by the RPSC in the present examination.

I have considered the submission and find that prima facie the RPSC has appears to have taken two different stand with relation to the same Rule in two different competitive examinations which cannot be allowed while directing the Secretary RPSC to file an affidavit giving out reasons for adopting different stand. This Court deems it appropriate to direct the RPSC to allow the petitioners to provisionally appear for the main examination.

Issue notice, returnable within four weeks. Notices be given "dasti", as prayed. In the meanwhile, all the candidates who had secured higher cut-off marks than the General category (male/female) provisionally the appearing of the petitioners in the main examination would depend finally to the outcome of this writ petition.

(SANJEEV PRAKASH SHARMA),J

Sunita Kanwar /139 to 145 and 148

RAJASTHAN HIGH COURT
सत्यमेव जयते