

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR.

...  
S.B. CIVIL WRIT PETITION NO.5745/2003

Vijay Kumar

Versus

State of Rajasthan and ors.

Date of Order : 2.6.2005

**PRESENT**

**HON'BLE MR. JUSTICE R.P. VYAS**

Mr.P.R. Singh, for the petitioner/s  
Ms.V.Bora, Assistant G.A.

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The learned counsel appearing for the petitioner submits that the controversy involved in the instant petition is squarely covered by the decision of this Court in D.B. Civil Special Appeal No. 261/97 (State of Rajasthan and Ors. V/s Umesh Jangid and 19Ors.) decided on 4.8.1997 wherein this Court has observed as under :-

"The provision for giving bonus marks in the case of appointment to the Physical Education Teachers has been made for promotion of the sports and in order to give incentive to various sportsmen. The grant of bonus marks to the participants in the District Level, State Level or National Level Tournaments, therefore, cannot be restricted to the tournaments held by the Education Department alone, but it is applicable to all District Level, State Level or National Level, tournaments organised by a University or Sports Board/Authority or by any

other Authority recognised in this regard because restricting the bonus marks only to the tournaments organised by the Education Department as against the object of the provision itself.”

Accordingly, the instant petition is allowed in terms of the observations made by this Court in D.B. Civil Special Appeal No. 261/97 (State of Rajasthan and Ors. V/s Umesh Jangid and 19 Ors.) and the respondents are directed to consider the candidature of the petitioner for appointment on the post of Sr. Teacher (Science) after granting appropriate bonus marks on the basis of Certificate (Annex.6) and in case after granting the bonus marks, if any person who stood lower in merit than the petitioner, has been offered appointment, then the case of the petitioner be also considered for appointment from the date the person less meritorious to him has been given appointment. On his appointment, the petitioner shall not be entitled for the emoluments of the post for the past, however, he will be entitled to claim seniority over the persons who were lower in merit, but have been offered appointment prior to him.

No order as to costs.

(R.P. VYAS)J.

Rm/-