

D. B. CIVIL SPECIAL APPEAL (WRIIT) NO. 480/2008
Rambabu Verma Vs. State of Rajasthan & Ors.

Date of Judgment :: March 31, 2008.

HON'BLE THE CHIEF JUSTICE MR. NARAYAN ROY
HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Mr. Rakesh Bhargava for the appellant.

Heard learned counsel for the appellant.

This appeal is directed against the order dated 03.8.2006 passed by the Learned Single Judge of this Court in S.B. Civil Writ Petition No. 2776/1997 whereby and whereunder the writ application was dismissed.

It is submitted by the learned counsel for the appellant that the writ petitioner-appellant was entitled for grant of trained grade scale for the post of male nurse and when the same was not granted by the State authorities, he moved the Rajasthan Civil Service Appellate Tribunal for redressal of his grievances. The Tribunal disposed of the application filed by the appellant and directed the State authorities to reconsider the matter in accordance with law. When the matter was not being reconsidered, the writ application was filed before this Court. But in the meantime, necessary orders were passed by the State authorities holding the writ petitioner not entitled for the trained grade scale as he was lacking the requisite educational qualification as prescribed by the relevant Rules. On account of the decision taken by the State authorities, the writ application was also dismissed.

From the materials on record, it appears that the writ petitioner had neither passed Middle School Examination nor he was a matriculate and merely on the basis of his qualification of Uttama acquired from Bombay Hindi Vidyapeeth which was not equivalent to Matriculation Examination, he was not entitled for any relief.

Learned counsel for the appellant then submitted that one Girraj Prasad Sharma who was similarly situated to the writ petitioner was allowed the trained grade scale but the same was denied to the writ petitioner-appellant.

From the pleadings of the writ petitioner, it does not appear that he wanted parity alongwith Girraj Prasad Sharma in regard to the qualification. Nowhere it was stated in the writ application that Girraj Prasad Sharma had also acquired the qualification of Uttama from Bombay Hindi Vidyapeeth. In absence of such a pleading, no relief could have been granted to the writ petitioner.

After going through the materials on record, we are satisfied that the writ petitioner-appellant at no point of time had made out a case for grant of trained grade scale.

In this view of the matter, the orders impugned passed by the Learned Tribunal and also the Learned Single Judge of this Court, in our opinion, cannot be faulted.

Besides all these aspects of the matter, it appears that at the fag end when the writ petitioner retired came forward with these claims. Keeping in view these aspects of the matter, no useful purpose would be served to remand the matter to the authorities to reconsider his case.

For the reasons aforementioned, therefore, we find no merit in this appeal. It is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

(NARAYAN ROY), CJ.

Skant/-