S.B. CIVIL WRIT PETITION NO.6430/2008.

(SMT. KAMLA DEVI VS. STATE & OTHERS)

DATE OF ORDER : 24.10.2008.

HON'BLE MR. GOVIND MATHUR, J.

Mr. P.S. Chundawat for the petitioner.
Mr. A.K. Rajvanshy, AAG, for the respondents.

The candidature of the petitioner for the purpose of appointment as Prabodhak under Rajasthan Panchayati Raj Prabodhak Service Rules, 2008 has been rejected on the count that she is having Senior Secondary School Certificate (Vocational). It is urged by learned counsel for the petitioner that the controversy involved in this petition for writ is no more res integra in view of the judgment of this Court in the case of Ramraj Tada vs. State and others (SBCWP No.4005/2008) decided on 08.08.2008. In the case aforesaid, this Court held as under:

> "In the facts of instant case, this Court is of the opinion that since NCTE alone holds competence and in absence of guidelines or directives from NCTE, decision impugned taken by respondents in denying consideration to such candidates holding

Senior Secondary (Voc.) as ineligible in no manner can be said to be in consonance with existing Scheme of Rules, 1996 particularly in terms of amendment dt.28/06/06 and such action of the respondent deserves to be set aside.

Consequently, all the petitions succeed and are hereby allowed. The decision taken by respondents holding petitioners ineligible on the premise in their qualification of Senior Secondary (Vocational) without Bridge Course, is hereby quashed and set aside. Respondents are directed to consider petitioners who hold qualification of Senior Secondary (Vocational) as eligible for the post of Primary / Upper Primary School Teachers and consider their candidatures for appointment based on their participation having taken place in pursuance of advertisement dated 30.10.2006 and if their names find place in order of merit in respective category, they may be considered and if found suitable, be appointed, however, they will be entitled for seniority, notional fixation etc., and all other service benefits but will not be entitled for salary for the intervening period during which they did not actually work."

In the instant matter also, the respondents are making appointment to the post of Prabodhak i.e. a post relating to teaching and while making appointments to the post aforesaid, the respondents are required to adhere the norms prescribed by National Council of Teachers Education.

In view of it, the judgment given in Ramraj Tada's case (supra) is having absolute application in present controversy too.

Accordingly, this petition for writ is allowed. The respondents are directed to consider candidature of the petitioner for the purpose of appointment to the post of Prabodhak as per the provisions of Rajasthan Panchayati Raj Prabodhak Service Rules, 2008. If the petitioner stands in merit, appointment be accorded to him.

(GOVIND MATHUR)J.

Anil/