

In the High Court of Judicature for Rajasthan
 Jaipur Bench
Judgment

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| S.No. / Civil Writ Petition No. / | Cause title |
|---------------------------------------|--|
| 1. 8359/2009 Naval Kishore Sharma | <i>Versus</i> State & Ors. |
| 2. 8690/2009 Madhu Bala Sharma | <i>Versus</i> RPSC & Ors. |
| 3. 8140/2009 Madhu Mathur | <i>Versus</i> State & Ors. |
| 4. 8168/2009 Ram Chandra Silu | <i>Versus</i> RPSC & Ors. |
| 5. 8223/2009 Rajesh K.Gurjar & Ors. | <i>Versus</i> RPSC & Ors. |
| 6. 8351/2009 Anoop Yadav & Anr. | <i>Versus</i> State & Ors. |
| 7. 8353/2009 Hari Ram Palsania | <i>Versus</i> State & Ors. |
| 8. 8355/2009 Asha Palsaniya | <i>Versus</i> RPSC & Ors. |
| 9. 8356/2009 Ms Kamlesh Sharma | <i>Versus</i> State & Ors. |
| 10.8357/2009 Madhu Raje Goyal | <i>Versus</i> State & Ors. |
| 11.8363/2009 Smt. Madhu Sharma | <i>Versus</i> Secy. RPSC & Ors. |
| 12.8365/2009 Naveen Mathur | <i>Versus</i> State & Ors. |
| 13.8366/2009 Babita Kumawat | <i>Versus</i> State & Ors. |
| 14.8396/2009 Vivek Upadhyaya | <i>Versus</i> State & Ors. |
| 15.8419/2009 Lokesh Sharma | <i>Versus</i> RPSC & Ors. |
| 16.8526/2009 Sunita Punia | <i>Versus</i> State & Ors. |
| 17.8530/2009 Rekhi Yadav & Anr | <i>Versus</i> RPSC & Ors. |
| 18.8533/2009 Hansa Devi Yadav & Anr | <i>Versus</i> State & Ors. |
| 19.8535/2009 Kavita Sharma | <i>Versus</i> RPSC & Ors. |
| 20.8536/2009 Smt. Rashmi Sharma & Anr | <i>Versus</i> State & Ors. |
| 21.8537/2009 Jitendra S. Dagur | <i>Versus</i> RPSC & Ors. |
| 22.8538/2009 Divya Dixit & Ors. | <i>Versus</i> State & Ors. |
| 23.8540/2009 Sunita Sharma | <i>Versus</i> RPSC & Ors. |
| 24.8543/2009 Rewati Raman Jaiman | <i>Versus</i> State & Ors. |
| 25.8546/2009 Manju Bala Meena | <i>Versus</i> RPSC & Ors. |
| 26.8548/2009 Sunita Jain | <i>Versus</i> RPSC & Ors. |
| 27.8550/2009 Sapna Arya | <i>Versus</i> RPSC & Ors. |
| 28.8553/2009 Jamku Kumari Chouhan | <i>Versus</i> State & Ors. |
| 29.8554/2009 Avdesh Kr. Sharma | <i>Versus</i> State & Ors. |
| 30.8606/2009 Jai Singh & Ors. | <i>Versus</i> RPSC & Ors. |
| 31.8609/2009 Rakesh Kr. Kumawat & Ors | <i>Versus</i> RPSC & Ors. |
| 32.8610/2009 Sunita Kumawat & Anr | <i>Versus</i> RPSC & Ors. |
| 33.8611/2009 Babita Kumari & Ors | <i>Versus</i> State & Ors. |
| 34.8612/2009 Rajesh Kr. Dhania | <i>Versus</i> RPSC & Ors. |
| 35.8613/2009 Vikash Dua & Ors | <i>Versus</i> RPSC & Ors. |
| 36.8615/2009 Suresh Kr. Khatik | <i>Versus</i> State & Ors. |
| 37.8616/2009 Poonam Ahlawat & Ors | <i>Versus</i> RPSC & Ors. |
| 38.8628/2009 Deepika Kaushik | <i>Versus</i> State & Ors. |
| 39.8633/2009 Mukesh C. Kumhar | <i>Versus</i> RPSC & Ors. |
| 40.8635/2009 Rajendra Kr. Meena | <i>Versus</i> RPSC & Ors. |

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| 41.8636/2009 Dharmendra Singh | <i>Versus</i> RPSC & Ors. |
| 42.8641/2009 Sameer Singh Bag | <i>Versus</i> RPSC & Ors. |
| 43.8642/2009 Ramesh C.Saini | <i>Versus</i> State & Ors. |
| 44.8644/2009 Rekha Kumari & Anr. | <i>Versus</i> RPSC & Ors. |
| 45.8656/2009 Prahlad S.Meena & Ors | <i>Versus</i> RPSC & Ors. |
| 46.8658/2009 Km Seema Sharma & Anr. | <i>Versus</i> RPSC & Ors. |
| 47.8663/2009 Rajesh Kumar & Ors. | <i>Versus</i> State & Ors. |
| 48.8667/2009 Vijay Raj Raigar & Ors | <i>Versus</i> State & Ors. |
| 49.8671/2009 Prahlad Choudhary | <i>Versus</i> State & Ors. |
| 50.8677/2009 Mithlesh Kumari & Ors. | <i>Versus</i> State & Ors. |
| 51.8680/2009 Hemlata Purohit | <i>Versus</i> RPSC & Ors. |
| 52.8687/2009 Sanju & Ors. | <i>Versus</i> State & Ors. |
| 53.8693/2009 Jyoti Khandelwal | <i>Versus</i> State & Ors. |
| 54.8712/2009 Vijay Laxmi @ Kavita | <i>Versus</i> State & Ors. |
| 55.8713/2009 Renu Kumari | <i>Versus</i> State & Ors. |
| 56.8721/2009 Km. Meenakshi Khangar | <i>Versus</i> RPSC & Ors. |
| 57.8723/2009 Montu Garg | <i>Versus</i> RPSC & Ors. |
| 58.8725/2009 Keshar | <i>Versus</i> RPSC & Ors. |
| 59.8728/2009 Hemant Kr. Lawaniya | <i>Versus</i> RPSC & Ors. |
| 60.8729/2009 Jawara Ram | <i>Versus</i> RPSC & Ors. |
| 61.8734/2009 Chandrawati | <i>Versus</i> State & Ors. |
| 62.8736/2009 Priyanka & Anr | <i>Versus</i> RPSC & Ors. |
| 63.8741/2009 Anil Kr. Pareek & Anr. | <i>Versus</i> State & Ors. |
| 64.8742/2009 Suresh Kr. Saini & Anr | <i>Versus</i> RPSC & Ors. |

Date of Order : 30/11/09

Hon'ble Mr. Justice Ajay Rastogi

Advocates for petitioners

Sarva Shri Anoop Dhand, Sunil Kr. Singodia, SK Gupta, Rahul Kanwar, Ram Manohar Sharma, Kuldeep Aswal, Manoj Bhardwaj, Prakash Kasuhik, Mukesh Agarwal, Shashi Bhushan Gupta, Vijay Pathak, Arvind Sharma, Adarsh Sharma, Vikas Kabra, SR Choudhary, Jai Prakash Gupta, CP Sharma, BBL Sharma, Yogesh Sharma, Praveen Sharma, Sudarshan Laddha, Vinod Goyal, Manish Sharma, Omvir Singh, Anshuman Saxena, Chirangi Lal Saini, SK Saksena, SN Meena, Atma Ram Meena, Shivendra S.Rathore, Satya Pal Poshwal, DD Khandelwal, Kailash C.Charan, Dilip S.Bagdoliya, PS Sirohi, Manu Bhargava, Prahlad Sharma, YK Sharma, Brajesh Sharma, Deepak Ashopa, Mahesh Gautam, Dilip Sinsinwar, RD Singh Naruka, Miss Sonia Shandilya & Shashi Sharma.

Mr. SN Kumawat for Mr. SN Kumawat, for respondent-RPSC
Mr. Ganesh Meena, Govt. Counsel for State

All these petitions being based on

common facts involving identical controversy raised at the bar are being decided together at joint request by present order.

Being eligible for the posts of Teachers (Sanskrit)/General Teachers Gr.III advertised by Rajasthan Public Service Commission Ajmer ("PSC") vide notification No.1/Exam. "Ga"/Adhyapak/Sanskrit Shiksha/2008-09/1125/dated 20/06/2008 (Ann.1/CWP-8359/2009) petitioners submitted their applications.

It has not been disputed that all the petitioners are eligible to appear in process of selection initiated by PSC for the post of Teachers (Sanskrit)/General Teachers Gr.III but their candidature has been rejected only on the premises of either having filled up wrong post Code or failed to fill up post Code in OMR sheet being appended to the application form or having been made available to the applicants through downloading from internet website of respondent-PSC - by virtue whereof, they were not permitted to appear in Teacher (Sanskrit)/General Teachers Gr.III competitive examination, 2008 which was scheduled to be held on 22/07/09 as is evident from press notification dt.02/07/09. These petitioners approached this Court by way of instant

petitions. Under interim orders, all of them were provisionally permitted to participate in process of selection and appear in aforesaid competitive examination, 2008 subject to production of proof regarding "Bar Code" and declaration of result of their participation was made subject to permission of this Court. However, pursuant to interim orders, Admit cards were issued to respective petitioners.

Counsel for petitioners jointly submit that initially while advertisement was published on 20/06/08 separate post Code was to be mentioned by applicant intending to participate pursuant to advertisement, *ibid*, but upon corrigendum being published by respondent-PSC vide notification No.2/2008-09/dt.02/09/08 (Ann.3-CWP-8359/09) calling upon incumbents to mention different post Code for Teacher (Sanskrit)/General Teacher Gr.III, confusion was created in their mind while mentioning respective Post code in course of filling up OMR sheet.

It is not the case of respondents that petitioners were not eligible to appear in written competitive examination, 2008 having been held pursuant to advertisement dt. 20/06/08 (Ann.1) on the basis of their

respective qualifications which they possessed but their only counter is that on account of wrong mention of post Code or failure to do so, their respective applications have been rejected by respondent-PSC.

Since the grievance raised at the bar is only confined to wrong mention of post Code or failure to do so by petitioners, that itself in no manner can curtail their right to participate in competitive examination, 2008 (*supra*) pursuant to advertisement dt.20/06/08 and that apart, once the petitioners though eligible have been permitted to appear in the competitive examination, 2008, *ibid*, even under interim orders, their appears to be a reasonable justification that they may know the final fate of their participation.

In the light of what has been observed (*supra*), all these writ petitions are disposed of with the direction to the respondent-PSC to declare result of participation of the writ petitioners who have appeared under interim orders of this Court, by wide publication & circulation including through internet website of respondent-PSC within fifteen days and if placed in the merit list, respondents are directed to consider them for appointment as

per order of their respective merit prepared by respondent-PSC in pursuance of advertisement dt. 20/06/08. No costs.

(Ajay Rastogi), J.