

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
JAIPUR BENCH, JAIPUR

ORDER

SB Civil Writ Petition No.18362/2011

Varun Vashishtha & anr versus State of Rajasthan & anr

23.12.2011

HON'BLE MR. JUSTICE MN BHANDARI

Mr Vijay Dutt Sharma - for petitioners

BY THE COURT:

Grievance of the petitioners is that after holding typing test at the first instance, it was cancelled without assigning any reason. Typing test was held again pursuant to the advertisement at Annexure-1 dated 17.6.2011, however, pattern was changed and now the petitioners have been declared failed therein. While holding typing test on second occasion, persons who have not participated at the first occasion were permitted, accordingly, there is grave illegality in the action of the respondents more so with the change of pattern on the second occasion, it comes out as a case of favouritism. In the aforesaid manner, examination of typing test conducted by the respondents on the second occasion may be held to be illegal with the direction to declare result pursuant to the first examination or the examination may be held afresh with the same pattern as was existing at the first instance.

I have considered submissions made and perused record of the case.

I find that advertisement at Annexure-1 does not specify about the pattern of typing test. The typing test so conducted at the first instance was cancelled and, for that, petitioner did not make any protest at the relevant time. This is even confirmed from the fact that they appeared in the typing test on the second occasion without protest as no document exists to show their protest in that regard. Even no document exists to call for the reasons for cancellation of first typing test. The grievance of the petitioners is now regarding change of pattern by typing test.

I find that there is no objection or protest in regard to change in pattern in typing test immediately after appearance in the test as petitioners have failed to place on record any such protest/ objection.

The writ petition has been filed when petitioners failed in the typing test so conducted on second occasion. In the aforesaid circumstances, petitioners are estopped to challenge the selection after appearing therein without any protest.

The question now comes as to whether the pattern of typing test can be changed by the respondents or not.

Learned counsel has conceded that no pattern for holding the typing test has been given by the respondents in the advertisement. In the aforesaid background, question of change in pattern does not exist. This is more so when vague allegations of favouritism exists without substantiating same and even without impleading the officer concerned as a party respondent.

The last ground of challenge is inclusion of certain candidates while holding second typing test ignoring the fact that they did not appear on the first occasion.

Again, petitioners have not named any candidate who did not appear in the first typing test but appeared on the second occasion. In the aforesaid background, this court cannot take cognizance of vague allegations so made by the petitioners.

In view of the discussion made above, I find no merit in this writ petition. Hence, writ petition so as the stay application are dismissed.

(MN BHANDARI), J.

bnsharma

All corrections made in the judgment/ order have  
been incorporated in the judgment/ order being emailed.

(BN Sharma)  
PS-cum-JW