

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

JAIPUR BENCH, JAIPUR

ORDER

SB Civil Writ Petition No. 18379/2011

Arjun Singh Versus State of Rajasthan & ors

23.12.2011

HON'BLE MR. JUSTICE MN BHANDARI

Mr Jitendra Kumar Sharma - for the petitioner

Mr NA Naqvi, Additional Advocate General – for the respondents

BY THE COURT:

The matter pertains to selection to the post of Prabodhak pursuant to the advertisement dated 31.5.2008. Petitioner applied for selection, however, when the select list was issued, his name appeared but he has not been given appointment for the reasons best known to the respondents. This is more so when petitioner is entitled to the benefit of reservation being OBC candidate. Respondents may accordingly be directed to appoint the petitioner more so in view of Annexure-4 dated 18.3.2010, it has come on record that 39 vacancies meant for OBC category candidates were filled by general category candidates though petitioner was available for appointment in OBC category. This is more so when no cut off marks are provided for appointment.

Learned Additional Advocate General submits that petitioner's matter would now be considered for appointment in the light of the judgment passed by the Division Bench of this court in the case of State of Rajasthan & ors Versus Surajmal Jat & ors, DB Civil Special Appeal (Writ) No.05119/2011, decided on 1.8.2011. Petitioner was not given appointment on account of verification of his five years experience and if he stands in merit.

I have considered submissions made by learned counsel for the parties and perused record of the case.

Vide Annexure-4 it has been confirmed by the respondents that 39 vacancies meant for OBC category candidates were filled up by general category candidates and it has not been disputed that petitioner belongs to OBC category and was available for appointment. In the light of the aforesaid, action of the respondents cannot be held to be legal.

Accordingly, this writ petition is disposed of with following directions-

1. Case of the petitioner may be considered against the vacancies meant for OBC category as 39 vacancies remained unfilled as indicated in the information supplied vide Annexure-4.

2. If petitioner is found eligible in all respects and has obtained requisite experience of five years then he should be considered for appointment in order of merit for OBC category against 39 posts in his category though filled up by general category candidates. The consideration should be strictly in order of merit of the left out candidates. If any candidate exists higher in merit then he should be given preference.
3. Necessary consideration may be made even in the light of the judgment in the case of Surajmal Jat (supra) within a period of two months from the date of receipt of copy of this order.

(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