

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

JAIPUR BENCH, JAIPUR

ORDER

SB Civil Writ Petition No.6436/2012

Santosh Kumar Sharma versus RPSC & anr

30.4.2012

HON'BLE MR. JUSTICE MN BHANDARI

Mr DK Bhardwaj – for petitioner

BY THE COURT:

It is stated that petitioner/s crossed the age limit provided for appointment to the post of PTI Gr II and Gr III.

Similar controversy came up before this Court in the case of Pawan Kumar Bardiya & Ors. Versus State of Rajasthan & Anr. - SBCWP No.8046/2008, decided on 18.8.2011 and, therein, referring to the judgment of the Hon'ble Apex Court in the case of R.P.S.C., Ajmer Versus Smt. Anand Kanwar – Civil Appeal No.52 of 1993, decided on 8.2.1995, the petitioners therein were not held within the age for appointment to the post in reference though a direction for consideration of the representation for grant of age relaxation was given. It is submitted that case of the petitioner/s may be covered by the aforesaid judgment and accordingly a direction may be given for consideration of the representation in the light of the fact that for last 13 years, no recruitment to the post of PTI Gr II and Gr III has been undertaken.

In view of the aforesaid, this writ petition is disposed of with the direction to the respondents to consider petitioner/s' representation in the light of the judgment in the case of Pawan Kumar Bardiya (supra) and taking note of the hardship and the last recruitment being in the year 1998, respondents are expected to take a proper view as indicated in the judgment referred to above. It is clarified that respondents will apply the ratio of the aforesaid judgment instead of going into the facts therein. The petitioner/s will, however, enclose the copy of the judgment supra while copy of this order is served on the respondents.

This disposes of the stay application also.

(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