

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

S.B. CIVIL WRIT PETITION NO. 11695/2013
(Tilak Raj Vs. State of Rajasthan & Ors.)

Date of Order : 30.09.2013

HON'BLE MR. JUSTICE M.N. BHANDARI

Mr.Hridayesh Singh, for the petitioner/s.

BY THE COURT:

The petitioner applied for the post of LDC. One of the required qualification for the aforesaid post is of Computer Science/Diploma in Computer Application from a University established in India or an Institution recognized by the Government.

Learned counsel submits that petitioner has obtained aforesaid qualification by obtaining Computer course from GSSS Baspadamka, Gurgaon, Haryana vide Annex.1.

The question for my consideration is as to whether it can be taken to be a qualification in satisfaction. It is to be clarified that there are many qualifications provided in para NO.5 of the advertisement, however, reference of qualification of Computer Science/Diploma in Computer Application has been given leaving other qualification. As per the requirement of Rules, qualification of Diploma in Computer Application or Computer Science should be either from the University or from an Institution recognized by the Government. The word "Government" has been defined under

Rajasthan Panchayati Raj Act, 1994 (for short "the Act of 1994"), which is quoted hereunder:

"Definitions.- (1) In this Act, unless the context otherwise requires,-

(i) to (xi).....

(xii) "Government" or "State Government"

means the State Government of Rajasthan"

The perusal of definition reveals "Government" means State of Rajasthan or State Government, thus recognition of institution should be from the State of Rajasthan. There is nothing on record to show recognition of the institution by State of Rajasthan and otherwise course has not been undertaken from the University.

In view of above, if petitioner has been rendered ineligible, there is no illegality in the action of the respondents. Accordingly, the writ petition so as the stay application are dismissed.

(M.N. BHANDARI), J.

S/No. 169
Preety, Jr.P.A.

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

Preety Asopa
Jr.P.A.