

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

D.B. Civil Special Appeal (Writ) No.565/2013
Krishan Kant Gupta & Others vs. The State of Rajasthan

Date of Judgment : 31.05.2013

HON'BLE THE CHIEF JUSTICE MR. AMITAVA ROY
HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

Mr. Tanveer Ahmed, for appellants.

Heard Mr. Tanveer Ahmed, learned counsel for the appellants.

The instant appeal has been preferred against the judgment and order dated 10.05.2013 passed in S.B.Civil Writ Petition No.6764/2013 instituted by the appellants thereby, rejecting the impugnment of the Clause 11 of the advertisement dated 25.03.2013 initiating the process for appointment, amongst others, to the post of Accountant Assistant under the Rural Development and Panchayati Raj Department of the State of Rajasthan so far as it related to the grant of bonus marks as contemplated therein. According to the appellants, they possess the requisite qualification for the post of Accountant Assistant and have been rendering their services under the respondents for last about 3 years, to be precise, 2 years 11 months. By the impugned clause in the advertisement, weightage by way of bonus marks have been contemplated for experience out of the service rendered for above 1 years by treating 1 complete year to be a unit therefor. The appellants contend that this norm is contrary to the amended Rule 23 of the Rajasthan Rural Development and Panchayati Raj State and Subordinate Service

Rules, 1998 as incorporated by the Rajasthan Rural Development and Panchayati Raj State and Subordinate Service (Amendment) Rules, 2013 (for short, hereinafter referred to as the '2013 Rules'). According to them, the weightage, by way of bonus marks, ought to be granted *pro rata* on the monthly basis. The learned counsel for the appellants has reiterated the above contentions before us.

The amended Rule 23 of the 2013 Rules which forms the standing plank of the appellants' case is quoted hereinbelow:

"Provided that in case of appointment to the post of Junior Engineer, Assistant Programme Officer, Computer Instructor (PR), Accounts Assistant, Co-ordinator Training, Co-ordinator I.E.C. and Co-ordinator Supervision merit shall be prepared by the Appointing Authority on the basis of such weightage as may be specified by the State Government for the marks obtained in such minimum academic qualification or technical qualification, except allied qualifications, as mentioned in the Schedule of these rules and such marks as may be specified by the State Government having regard to the length of experience, exceeding one year by persons on the similar work under MGNREGA, or any scheme or project of the Department of Rural Development and Panchayati Raj or the Department of Education in the State."

It is apparent from the above text that in terms of the said legal provision for grant of bonus marks, length of experience exceeding one year, is contemplated.

The impugned clause of the advertisement provides for bonus marks for such experience taking one year to be an unit therefor. *Per se*, this prescription, in our comprehension, does not run counter to the mandate of Rule 23 of the 2013 Rules.

In this view of the matter, the appellants' plea that the norm for award of bonus marks, as contained in Clause 11 of the

advertisement, is incompatible with the Rule 23 of the 2013 Rules, is untenable.

We find no merit in the intra-court appeal and it is rejected.

Stay application also stands rejected.

(VEERENDR SINGH SI RADHANA) ,J.

(AMITAVA ROY) ,C.J.

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

Mohit Tak, Jr. P.A.



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