

D.B.Civil Special Appeal (Writ) No.1279/14
The State of Rajasthan & ors. V/s Kanhaiya Lal

29.8.2014

HON'BLE ACTING CHIEF JUSTICE SUNIL AMBWANI
HON'BLE MR.JUSTICE VIJAY BISHNOI

Mr.Madan Lal Mali, Assistant Secretary DOP, Jaipur, OIC present in person.

This special appeal is reported to be delayed by 28 days. It is submitted by Mr.Madan Lal Mali, Assistant Secretary DOP, Jaipur, OIC present in-person that a review petition filed by the respondents-appellants was disposed of on 5.8.2014 with a direction that the order be complied with within a period of 15 days, otherwise contempt proceedings will be initiated against the authorities concerned and thus, the appeal is within time from the date of the order passed in the review petition.

An application has been filed with the prayer to dispense with the filing of certified copy of the order dated 16.5.2014, which was sought to be reviewed.

The prayer for entertaining the appeal and dispensing with the filing of certified copy of the order dated 16.5.2014 is allowed.

The petitioner-respondent appeared in the selection process for the Class-IV post in pursuance of the advertisement issued by the appellants in the scheduled caste category. He was issued

interview letter to appear in the interview scheduled on 24.6.2013 at 11.00 AM. The respondent-petitioner filed the writ petition stating that he received the interview letter on 25.6.2013 and requested the appellants to allow him to appear in the interview. This Court issued interim directions on 28.6.2013 allowing the petitioner-respondent to appear in the interview scheduled on 15.7.2013.

The appellants filed a reply to the writ petition stating therein that the petitioner-respondent was allowed to appear in the interview on 8.7.2013 and thus, the writ petition be dismissed as infructuous. It is stated that instead of dismissing the writ petition as infructuous, the Court has disposed of the writ petition in terms of the interim order, with a further direction to declare the result of the petitioner-respondent within one week. In the order disposing of the review petition the period of declaration of result was extended by 15 days from the date when the review petition was dismissed.

In the present appeal, it is stated in paragraph-8 of the Memorandum of Appeal that the interview process for the post of Class IV was completed but the result was not declared on account of some administrative reasons. It is stated that there is still an unresolved issue with regard to the question of vacancies for which results have been withheld and thus, the direction issued by the Court to declare the result of the petitioner-respondent within 15

days will amount to declaring result of only one candidate which will not be practical and reasonable.

We are informed that in State of Rajasthan and ors. V/s Archana and ors., the issue regarding grant of bonus marks as weightage in public employment, is pending before the Apex Court. Though the selection process in that case was for the post of Lower Division Clerk, a similar issue arises in the present case for which a decision has to be taken on the administrative side to declare the result. In any case, it is submitted that since the results of entire selections have not been declared, the directions to declare the result of the petitioner-respondent alone within 15 days, require to be set aside.

We find that the petitioner-respondent in the writ petition has been allowed to appear in the interview and after the interim order passed in the writ petition has been complied with, nothing further survives to be decided nor any order could be made for declaring his result, without ascertaining that the result of selections or of any other candidate, who had appeared in the interview, had been declared.

In the circumstances, the special appeal is disposed of by modifying the impugned order to the effect that the result of the petitioner-respondent will be declared alongwith the result of all other candidates, who had appeared in the interview in the selection process.

(VIJAY BISHNOI), J.

(SUNIL AMBWANI),Actg.CJ.

Parmar