


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
राजस्थान उच्च न्यायालय

D.B. Civil Writ Petition No. 8907/2023

Vikash Sharma Son Of Shri Arvind Kumar Sharma, Aged About 32 Years, Resident Of Todgarh Road, Dharmesh Puri Bhim, Bheem, Rajsamand, Rajasthan.

----Petitioner

Versus

1. The Registrar, Rajasthan High Court, Jodhpur.
2. Rajasthan High Court, Jodhpur Through Registrar (Examination).

----Respondents

Connected With

D.B. Civil Writ Petition No. 9385/2023

Mamta Goyal D/o Jagdeesh Prasad, Aged About 27 Years, R/o Ward No. 29 New, Near Birmahan Dharmashala, Suratgarh, District Sriganganagar, Rajasthan. (Roll No. 168681).

----Petitioner

Versus

1. Rajasthan High Court, Jodhpur, Through Registrar General.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 9510/2023

1. Chandraprakash Tiwari S/o Dinesh Kumar Tiwari, Aged About 34 Years, R/o Rajiv Colony, Gangapurcity, District Sawaimadhopur, Rajasthan. (Roll No. 163374).
2. Akhil Kumar Sharma S/o Satya Prakash Sharma, Aged About 36 Years, R/o Naya Bazar, Near Lal Haveli, Tehsil Gangapurcity, District Sawaimadhopur, Rajasthan. (Roll No. 162570).
3. Shivraj Jat S/o Shankar Lal Jat, Aged About 27 Years, R/o Village Ranjeetpura, Tehsil Bajji, District Bikaner, Rajasthan. (Roll No. 162167).

----Petitioners

Versus

1. Rajasthan High Court, Jodhpur, Through Registrar General.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 9512/2023

1. Pooja Verma D/o Shri Sharvan Lal, Aged About 31 Years, Having Residence At Plot No. 99, Saini Colony, First Kartarpura, Jaipur, Rajasthan.
2. Rajesh Kumar Meena S/o Shri Gopal Lal Meena, Aged About 29 Years, Having Residence At Village Kankrel Post Khora Meena, Amer, Jaipur, Rajasthan.

----Petitioners

Versus

1. Rajasthan High Court, Jodhpur Through Registrar General.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 9514/2023

Renu Gupta D/o Om Prakash Gupta, Aged About 44 Years, R/o 2600, Jat Ke Kue Ka Rasta, Chandpole Bazar, Jaipur, Rajasthan (Roll No. 174579)

----Petitioner

Versus

1. Rajasthan High Court, Jodhpur, Through Registrar General
2. The Registrar (Examination), Rajasthan High Court, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 9548/2023

1. Krishan Pal S/o Birendra Singh, Aged About 25 Years, R/o Vpo Punchhari, Tehsil Nagar, District Bharatpur, Rajasthan. (Roll No. 168063).
2. Prem Prakash Jhalani S/o Ratan Lal, Aged About 26 Years, R/o Vpo Jamdoli, Tehsil Reni, District Alwar, Rajasthan. (Roll No. 168059).

3. Gaurav Swami S/o Rohit Swami, Aged About 24 Years, R/o Near Kali Bhatta, Ward No. 28, Nohar, District Hanumangarh, Rajasthan. (Roll No. 169206).
4. Suresh Kumar Gurjar S/o Durga Lal Gurjar, Aged About 22 Years, R/o Village Madhopuriya, Post Basoli, Tehsil Hindoli, District Bundi, Rajasthan. (Roll No. 168928).
5. Vishakha Sisodiya D/o Shakti Singh Sisodiya, Aged About 23 Years, R/o Ganesh Vihar 3Rd, Behind Petrol Pump, Devpura, Bundi, Rajasthan. (Roll No. 167913).

----Petitioners

Versus

1. Rajasthan High Court, Jodhpur Through Registrar General.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 9551/2023

1. Ramchandra Bajiya S/o Bhanwar Lal, Aged About 20 Years, R/o Sabalpura, District Nagaur, Rajasthan. (Roll No. 166516).
2. Anusuya Meena D/o Babulal Meena, Aged About 23 Years, R/o Village Kudana, Post Bharwanda, District Sawaimadhopur, Rajasthan. (Roll No. 166898).
3. Pawan Kumar Suthar S/o Ladu Ram Suthar, Aged About 26 Years, R/o Ward No. 10, Rajaldesar, District Churu, Rajasthan. (Roll No. 166869).
4. Prem Kumar Godara S/o Om Prakash Godara, Aged About 27 Years, R/o Village Bheekhnera, Tehsil Lunkaransar, District Bikaner, Rajasthan. (Roll No. 166950).
5. Mamta Khinchi D/o Lakhan Lal Khinchi, Aged About 37 Years, R/o Plot No. 12, Jamna Colony, Teen Dukan, Sikar Road, Jaipur, Rajasthan. (Roll No. 167288).

----Petitioners

Versus

1. Rajasthan High Court, Jodhpur Through Registrar General.
2. The Registrar (Examination), Rajasthan High Court,

Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 9555/2023

1. Nisha Jatawat D/o Sitaram Jatawat, Aged About 23 Years, R/o Plot No. 71, Jaitpuri Colony, 80 Feet Road, Mahesh Nagar, Jaipur, Rajasthan. (Roll No. 172310).
2. Dayaram Meena S/o Nathu Ram Meena, Aged About 30 Years, R/o Village Jamwa Ghat, Post Khawaraniji, District Jaipur, Rajasthan. (Roll No. 173212).
3. Devprakash Gurjar S/o Govardhan Lal, Aged About 23 Years, R/o Vpo Kalpuriya, Tehsil And District Bundi, Rajasthan. (Roll No. 172206).
4. Narendra Katariya S/o Chhothmal Katariya, Aged About 27 Years, R/o Near Dasahara Maidan, Katariya Bhawan, Tehsil Gangapurcity, District Sawaimadhopur, Rajasthan. (Roll No. 171999).

----Petitioners

Versus

1. Rajasthan High Court, Jodhpur Through Registrar General.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 10373/2023

1. Lovesh Dhayal S/o Nemi Chand Dhayal, Aged About 31 Years, R/o P.no.121/124 Vijay Path Agarwal Farm, Mansarovar, Jaipur, Rajasthan.
2. Rakesh Choudhary S/o Laxmi Narayan, Aged About 35 Years, R/o Vill- Chatarpura, Veer Tejajimandir, Panchayat- Bhapura, Post- Panwaliya, Tehsil- Sanganer, Jaipur, Rajasthan.
3. Naresh Kumar Chaneja S/o Sharwan Kumar Chaneja, Aged About 23 Years, R/o Vill- Charanka Bas, Post- Chainpura, Sikar, Rajasthan.
4. Manish Goyal S/o Manoj Goyal, Aged About 30 Years, R/o 4, Gariyawaas New Rajendra Nagar, Tekri, Udaipur, Rajasthan

5. Mukesh Koushik S/o Rajendra Koushik, Aged About 33 Years, R/o Ward No. 21, Palwas Road, Balajivihar, Sikar, Rajasthan.
6. Pintu S/o Geega Ram, Aged About 28 Years, R/o Chuli Bera Dharna, tehsil- Siwana, Barmer, Rajasthan.
7. Kavita Kumari Meena D/o Prabhudayalmeena, Aged About 28 Years, R/o Vposiras Weir, Bharatpur Rajasthan.
8. Saurabh Kumar Jagariya S/o Girish Kumar Sharma, Aged About 31 Years, R/o K-119, Shastri Nagar, Near Patwar Ghar, Dholpur Road, Bari, Rajasthan.
9. Gorav Jadon S/o Shambhu Singh Jadon, Aged About 30 Years, R/o New Adarsh Nagar, Near 220 Kv Gss, Bari Road, Dholpur, Rajasthan.
10. Deva Ram S/o Bhaga Ram, Aged About 26 Years, R/o Village Dela, Post Dungri Tehsil Chitalwana District Jalore, Rajasthan.

----Petitioners

Versus

1. Rajasthan High Court, Jodhpur Through Registrar General.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 14117/2023

Rajendra Kumar Jatav Son Of Shri Amrit Lal, Aged About 22 Years, Resident Of Maidpur, Post Nithar, Bharatpur (Raj.)

----Petitioner

Versus

Registrar Examination, Rajasthan High Court, Jodhpur (Raj.)

----Respondent

For Petitioner(s) : Mr. Ashish Kishore Saksena
Mr. Kshitiz Sharma
Mr. Pushpendra Singh Naruka
Mr. Akshay Dutt Sharma for Mr.
Ashish Nagarwal

For Respondent(s) : Mr. Shailesh Prakash Sharma
Mr. Ashish Kumar

**HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE PRAMIL KUMAR MATHUR**

Order

31/01/2025

Learned counsel for the respondents submitted that the issue involved in these writ petitions with regard to fault in the computer during typing test has already been considered and decided by the Coordinate Bench of this Court in D.B. Civil Writ Petition Nos.12895/2024 (Ajay Meena and Ors. Vs. The Rajasthan High Court Jodhpur and Anr.) wherein on 01.10.2024 following orders was passed:-

"1. This writ petition has been filed by the petitioners with the following prayers:

"(i) Issue a writ order or direction in the nature thereof the respondent be consider the petitioners for appear in type writing test on computer who shall be scheduled very soon.

(ii) Issue a writ order or direction to the respondent for consider the representation given of the petitioner and to be included in typewriting test on computer as per corrigendum dated 02.06.2024.

(iii) Issue a writ order or direction to the respondent after included in type writing test on computer as per corrigendum dated 02.06.2024 and after passing of said test petitioners be appointed for the post of System Assistant.

(iv) Any other appropriate order or direction, which this Hon'ble Court may deem just and proper, be passed in the interest of justice and to grant adequate relief to the humble petitioners."

2. The respondent(s) issued advertisement dated 18.12.2023 for recruitment to the post of System Assistant, 2023. In pursuant to the said advertisement all petitioners applied for the said post for which written test (first phase) was conducted by the respondent(s) on 03.03.2024. All the petitioners appeared in the said written test and result of the written test was declared by the respondent(s) on 19.03.2024. In the second phase, the type test was held by the respondent(s) on 18.05.2024 in which all petitioners appeared, however, after participating in the written test and type test they submitted representations on various dates i.e. 29.05.2024, 19.06.2024, 30.05.2024 and 05.06.2024 to the respondent(s) for conducting fresh type test on the ground that the respondent(s) have issued a corrigendum on 02.06.2024 for conducting the fresh type test for SC category (women candidates).

3. Learned counsel for petitioners submitted that the respondent(s) are going to conduct the type test for SC category(women candidates) and one more chance be given to the petitioners along with those candidates to appear in the type test. Learned counsel further submits that there were technical faults with the computer and keyboard provided to the petitioners for which they were not responsible and they failed to type the answers properly in the said type test.

4. Learned counsel appearing on behalf of the respondent(s)opposed the writ petition and submitted that there is no fault on their part to conduct the type test and after examination all the candidates signed the form with regard to their satisfaction that their peripherals and systems were working properly, more particularly, in para no.5 of the reply it has been submitted on behalf of the respondent(s) as under:

"That it is pertinent to mention that prior to starting of typewriting test on computer, all the

candidates were being directed time and again by way of announcement to please check all the additional equipment's like monitor, keyboard, mouse etc. of the computer and also to click of the icon "Peripheral Check" and do the practice of typing. All the candidates checked the computers & additional equipment's and also practice typing before the starting of typewriting test on computer. In case, any candidate raise any objection regarding non-working of their respective computer or any of the additional equipment thereof, the same was attended immediately and required follow up action of changing the computer or equipment there of was taken. After verifying that all the candidates have checked their computers and its additional equipments, the type writing test on computer was started. After examination, all the candidates verified the fact that their peripherals and system were working properly and voluntarily signed the certificate to this effect. In these circumstances the facts mentioned in the writ petition are not tenable and writ petition is liable to be dismissed."

5. Learned counsel appearing for respondent(s) submits that as per instructions uploaded on the official website of the respondent(s) with regard to type test, in any case of difficulty, the candidate has to make a complaint to the invigilator at the time when the type test was conducted but no complaint was ever made by the petitioners to their respective invigilators.

6. Heard learned counsel for the parties and perused the record.

7. The Hon'ble Supreme Court in the matter of **Ashok Kumar & Anr. Vs. State of Bihar & Ors.** reported in **(2017) 4 Supreme Court Cases 357** in paras No.13 to 18 has held asunder:-

"13. The law on the subject has been crystalized in several decisions of this Court. In Chandra Prakash Tiwari v. Shakuntala Shukla (2002), this Court laid down the principle that when a candidate appears at an examination without objection and is subsequently found to be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated. He or she cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In Union of India Vs. Vinodh Kumar MANU/SC/7926/2007 :(2007) 3 SCC 100, this Court held that:

"18. It is also well settled that those candidates who had taken part, in the selection process knowing fully well the procedure laid down therein were not entitled to question the same.(See Munindra Kumar v. Rajiv Govil (1991) and Rashmi Mishra v. M.P. Public Service Commission).

14. The same view was reiterated in Amlan Jyoti Borroah where it was held to be well settled that candidates who have taken part in a selection process knowing fully well the procedure laid down therein are not entitled to question it upon being declared to be unsuccessful.

15. In Manish Kumar ShahI v. State of Bihar, the same principle was reiterated in the following observations:(SCCp.584, para 16) "16. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the Petitioner's name had appeared in the merit list, he

would not have even dreamed of challenging the selection. The Petitioner invoked jurisdiction of the High Court Under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the Petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition. Reference in this connection may be made to the Judgments in *Madan Lal v. State of J &K*, *Marripati Nagarajav. Government of Andhra Pradesh*, *Dhananjay Malik and Ors. v. State of Uttarakhand*, *Amlan Jyoti Borooah v. State of Assam and K.A. Nagamaniv. Indian Airlines*.

16. In *Vijendra Kumar Verma v. Public Service Commission*, candidates who had participated in the selection process were aware that they were required to possess certain specific qualifications in computer operations. The Appellants had appeared in the selection process and after participating in the interview sought to challenge the selection process as being without jurisdiction. This was held to be impermissible.

17. In *Ramesh Chandra Shah v. Anil Joshi*, candidates who were competing for the post of Physiotherapist in the State of Uttrakhand participated in a written examination held in pursuance of an advertisement. This Court held that if they had cleared the test, the Respondents would not have raised any objection to the selection process or to the methodology adopted. Having taken a chance of selection, it was held that the Respondents were disentitled to seek relief Under Article 226 and would be deemed to have waived the right to challenge the advertisement or the procedure of selection. This Court held that (SCC P.318, para 18) "18. It is settled law that a person

who consciously takes part in the process of selection cannot, thereafter, turn around and question the method of selection and its outcome".¹⁸ In Chandigarh Admn. v. Jasmine Kaur, it was held that a candidate who takes a calculated risk or chance by subjecting himself for herself to the selection process cannot turnaround and complain that the process of selection was unfair after knowing of his or her non-selection. In Pradeep Kumar Rai v. Dinesh Kumar Pandey, this Court held that:(SCC P.500, para17)

"17. Moreover, we would concur with the Division Bench on one more point that the Appellants had participated in the process of interview and not challenged it till the results were declared. There was a gap of almost four months between the interview and declaration of result. However, the Appellants did not challenge it at that time. This, it appears that only when the Appellants found themselves to be unsuccessful, they challenged the interview. This cannot be allowed. The candidates cannot approbate and reprobate at the same time. Either the candidates should not have participated in the interview and challenged the procedure or they should have challenged immediately after the interviews were conducted."

This principle has been reiterated in a recent judgment in Madras Institute of Development Studies V. S.K. Shiva Subaramanyam."

8. This writ petition filed by the petitioners deserves to be dismissed for the reasons; firstly, the petitioners are estopped to challenge the process of selection after participating in the same as has been held by the Hon'ble Supreme Court in the case of Ashok Kumar & Anr Vs. State of Bihar & Ors. (supra);secondly, the petitioners have not made any complaint at the time of written test to their respective invigilator with regard to

any fault either in the computer or with the keyboard provided to the min the examination hall; thirdly, the petitioners have voluntarily signed the certificate that their computer and keyboard are functioning properly at the time when the type test was conducted.

9.In that view of the matter, no case is made out for interference under Article 226 of the Constitution of India.

10.Hence, the present writ petition is hereby dismissed."

Learned counsel for the petitioner submits that no extra time has been given to the petitioners on account of the fault in the computer at the time of examination.

Heard learned counsels for the parties and perused the record.

In our considered view the issue involved in these writ petitions is squarely covered by the judgment passed by this Court in the matter of **Ajay Meena & Ors. (supra)**.

In that view of the matter, these writ petitions stand dismissed.

(PRAMIL KUMAR MATHUR),J

(INDERJEET SINGH),J