

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil Writ Petition No. 11883/2020

Dharmendra Choudhary

-----Petitioner

Versus

The State Of Rajasthan & Ors

-----Respondent

Connected With

S.B. Civil Writ Petition No. 12149/2020

Himanshu Joshi

-----Petitioner

Versus

The State Of Rajasthan & Ors

-----Respondent

For Petitioner(s)	:	Mr. B.S. Sandhu
For Respondent(s)	:	Mr. Nagraj Goswami
		Mr. Rakesh Arora
		Mr. B.P. Bohra
		Mr. Brajesh Purohit
		Mr. Manvendra Krishan Singh Bhati
		Mr. Kshama Purohit
		Mr. Vikas Singh
		Mr. Naman Jain

JUSTICE DINESH MEHTA

Order

04/04/2023

S.B. Civil Writ Petition No. 11883/2020:

1. By way of the present petition the selection of private respondent nos. 4 to 9 has been challenged on various grounds.
2. Mr. Sandhu, learned counsel for the petitioner took the Court through a number of documents on record and highlighted that at the time of filling application forms in the year 2016, most of the private respondents neither claimed experience nor had they claimed bonus marks.

3. It is asserted that these respondents had not annexed any documents about their experience yet they have been favourably considered and their documents have been taken into account contrary to clause 7 of the order dated 08.01.2020,

4. It is argued that the experience certificates, which the private respondents have later produced could not have been considered.

5. It was alternatively submitted that even if for a moment it is assumed that the Rajasthan Subordinate and Ministerial Service Selection Board (hereinafter referred to as 'Selection Board') was justified in considering the experience certificates, the same ought to have been considered in the light of condition No.7 of Office order dated 08.01.2020 (Annexure-12) and other terms of the advertisement.

6. It is also contended that CITS certificates submitted by these private respondents were forged.

7. Mr. Goswami, learned counsel for the respondent no.8 submits that the petitioner has wrongly challenged selection of respondent no.8, as he has been selected in the category of Physically Handicapped and not under the category of Other Backward Class.

8. Instead of pronouncing upon candidature and correctness of the selection of private respondent nos. 4 to 9 (except respondent no.8), at this stage as it requires factual inquiry, this Court deems it appropriate to direct the Secretary, Selection Board to consider candidature and experience certificates and CITS certificates of respondent nos. 4 to 9 (except

respondent no.8) in accordance with law, more particularly, in light of the contention raised by the petitioner, as noted above.

9. For the purpose aforesaid, the petitioner shall be free to make a representation before the Secretary, Selection Board within a period of ten days from today, highlighting illegality/irregularity purportedly committed in selection of the private respondents.

10. The Secretary shall examine the candidature of respondent nos. 4, 5, 6, 7 and 9 in accordance with law, including Condition No.7 of Office order dated 08.01.2020.

11. Before taking a final decision, the Secretary, Selection Board shall call all the concerned candidates and hear their view points *vis-a-vis* the petitioner's representation. He shall also invite Director, Technical Education (Training) or his nominee for the aforesaid purpose.

12. List this case on 16.05.2023 alongwith the report of Secretary, Selection Board.

13. Interim order shall continue till then.

S.B. Civil Writ Petition No. 12149/2020:

Office is directed to de-tag the present petition from S.B. Civil Writ Petition No. 11883/2020 and list it on 12.05.2023.

(DINESH MEHTA),J