

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**JODHPUR**

S.B. Civil Writ Petition No. 18769/2019

Mangla Ram

----Petitioner

Versus

The Rajasthan Public Service Commission,

----Respondent

Connected With

S.B. Civil Writ Petition No. 17513/2022

Dr. Alok Sharma

----Petitioner

Versus

The Rajasthan Public Service Commission, Ajmer

----Respondent

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For Petitioner(s)	:	Mr. Nihar Jain Mr. Prahlad Singh
For Respondent(s)	:	Mr. Manish Vyas, AAG Mr. Rajesh Punia Mr. R.S. Saluja

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**JUSTICE DINESH MEHTA**

**Order**

**18/07/2023**

1. After hearing learned counsel for the parties and considering the stand of the Rajasthan Public Service Commission and record of the case so also the report of the State Government, this Court observes thus:-

(i) Prima-facie, the terms of the advertisement itself, particularly in relation to educational qualification, which require Post Graduation in the concerned subject was ambiguous.

(ii) It has transpired from the record that none of the Universities of the State used to impart post graduation in a particular instrument and post graduation is given in 'Music' only.

It is admitted case that neither the petitioner nor the respondent No.4 (Mangla Ram and Dr. Alok Sharma, respectively) possess the post graduation in concerned subject namely, '*Sarangi*'.

(iii) Considering that the post was advertised for subject *Sarangi*, in normal circumstances, if the condition of the advertisement and the qualification prescribed by the University Grant Commission by notification dated 04.05.2016 were to be strictly adhered to, a candidate must have post graduation in concerned subject i.e. '*Sarangi*'.

(iv) The State Government has dilated upon the issue and has found Dr. Alok Sharma to be eligible while holding the petitioner (Mangla Ram) to be ineligible.

(v) According to this Court, there is lack of clarity in the advertisement. Neither the petitioner nor the respondent No.4 are having post graduation in '*Sarangi*' and at the best, they can claim to have post graduation or equal qualification in music.

(vi) The Court finds substance in the argument of Mr. Jain that the eligibility or qualification etc. is to be seen and candidature is required to be adjudged by the recruiting agency (RPSC) and the State Government at its own cannot hold a candidate eligible or ineligible.

2. Considering the contradictory stand of the RPSC and the State Government, this Court deems it appropriate to constitute a Three Member Committee to examine the issue including qualification of the rival candidates in its entirety.

3. The Committee shall be comprised of (a) Head of Department (Music), Delhi University, (b) Head of Department

(Music), M.S. University, Baroda, and (c) Head of Department (Music), Rajasthan University.

4. The Secretary, Higher Education Department, Rajasthan, Jaipur shall inform member of the above panel and make necessary arrangements, including their stay and Air Travel. He shall also arrange for a place for the meeting of above three members of the Committee in Jaipur.

5. The stay arrangement and travel expenses (including Air Travel) of above referred members shall be borne by the petitioner and the respondent No.4 (Mangla Ram and Dr. Alok Sharma) equally.

6. Mr. Mangla Ram and Dr. Alok Sharma shall hand over a demand draft of ₹30,000/- in the name of Secretary, Department of Higher Education, Rajasthan, Jaipur towards the expenses to be incurred for having meeting of all above referred three experts. The demand draft shall be handed over to the Secretary within a period of seven days from today. Fee/honorarium of the above experts shall be settled and borne by the RPSC.

7. It will be required of the Secretary, Higher Education Department, Rajasthan, Jaipur to request all above referred members and fix a convenient date of meeting. The petitioner (Mangla Ram and Dr. Alok Sharma) will be intimated about the meeting.

8. In case any of the members nominated by this Court expresses its inability, the Secretary, Higher Education Department will be free to invite Head of Department of Music of any other University. The order shall stand modified accordingly.

9. The Committee will have brief interaction with both the candidates namely, Mangla Ram and Dr. Alok Sharma and examine their eligibility in its entirety having regard to the condition of the advertisement, UGC Regulations and any other applicable law.
10. List this case after eight weeks.

**(DINESH MEHTA),J**

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