

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

S.B. Civil Writ No. 8203/2017

Gaurav Fulwariya S/o Shri Shrawan Kumar Fulwariya, By Caste
Regar, R/o C-86, Agrasen Nagar, Churu.

-----Petitioner

Versus

1. Jai Narain Vyas University, Jodhpur Through The Registrar.
2. All India Technical Education Council, Nelson Mandela Marg, New Delhi, Through The Member Secretary.
3. Malviya National Institute Of Technology, Jln Marg, Jaipur, Through The Registrar.

-----Respondents

Connected With

S.B. Civil Writ No. 7255/2017

Pankaj Jakhar S/o Shri Pokar Ram Jakhar, Resident Of C-214
Kum Road, Kirti Nagar, Jodhpur.

-----Petitioner

Versus

1. Jai Narain Vyas University, Jodhpur Through The Registrar.
2. Vice Chancellor, Jai Narain Vyas University, Jodhpur.
3. The Dean, Faculty Of Engineering And Architecture, Jnvu, Jodhpur.

-----Respondents

S.B. Civil Writ No. 7996/2017

1. Pankaj Joshi S/o Shri B.p Joshi, Resident Of J-3, Shiv Vihar, Sector B, Opposite High Court Colony, Ratanada Jodhpur.
2. Ajay P. Vyas S/o Shri Ajit Prasad Vyas, Resident Of Gopal Niwas, Bhim Ji Ka Mohalla, Jodhpur.
3. Manish Purohit S/o Shri R.c. Purohit, Resident Of Joshion Ka Katkal, Bhim Ji Ka Mohalla, Jodhpur.

-----Petitioners

Versus

1. The State Of Rajasthan Through The Secretary,

Department Of College Education, Government Of Rajasthan, Block- Iv, Dr. S. Radhakrishnan Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur.

2. Joint Secretary, Department Of Higher Education, Government Of Rajasthan, Jaipur.
3. Jai Narain Vyas University Jodhpur Through Its Registrar.
4. Vice Chancellor, Jai Narain Vyas University, Jodhpur.
5. Registrar, Jai Narain Vyas University, Jodhpur.

-----Respondents

S.B. Civil Writ No. 8314/2017

Sumit Joshi S/o Shri Hiralal Joshi, Resident Of Chouthi Bhawan Near Joshiyon Ka Kua Gundhi Ka Mohalla Navochokiya Inside Jalori Gate, Jodhpur.

-----Petitioner

Versus

1. The State Of Rajasthan Through The Secretary, Department Of College Education, Government Of Rajasthan, Block- Iv, Dr. S. Radhakrishnan Shiksha Sankul, Jawahar Lal Nehru Marg, Jaipur.
2. Joint Secretary, Department Of Higher Education, Government Of Rajasthan, Jaipur.
3. Jai Narain Vyas University, Jodhpur Through Its Registrar.
4. Vice Chancellor, Jai Narain Vyas University, Jodhpur.
5. Registrar, Jai Narain Vyas University, Jodhpur.

-----Respondents

S.B. Civil Writ No. 15360/2017

1. Sourabh Panwar S/o Shri Satya Narayan Panwar, Category Sc, R/o D-616, Murlidhar Vyas Colony, Bikaner Raj..
2. Kulveer Baswal S/o Shri Nanag Ram Baswal, Category Sc, R/o V.p.o.- Sikrai Tehsil- Sikrai, District- Dausa Raj..

-----Petitioners

Versus

1. Jai Narain Vyas University Jodhpur Through Its Registrar.
2. Registrar, Jai Narain Vyas University, Jodhpur.
3. Assistant Registrar, Establishment Section T, Jai Narain

Vyas University, Jodhpur.

-----Respondents

S.B. Civil Writ No. 16794/2017

Rashi Mathur D/o Mahesh Mathur, Caste- Mathur, Resident Of- C-112, Shastri Nagar, Jodhpur.

-----Petitioner

Versus

1. Jai Narain Vyas University Through Its Registrar, Residency Road, Jodhpur.
2. Registrar, Jai Narain Vyas University, Residency Road, Jodhpur.

-----Respondents

S.B. Civil Writ No. 1261/2018

Pankaj Jakhar S/o Shri Pokar Ram Jakhar, Resident Of C-214 Kum Road, Kirti Nagar, Jodhpur.

-----Petitioner

Versus

1. Jai Narain Vyas University, Jodhpur Through The Registrar.
2. Vice Chancellor, Jai Narain Vyas University, Jodhpur.
3. The Dean, Faculty Of Engineering And Architecture, Jnvu, Jodhpur.

-----Respondents

S.B. Civil Writ No. 11840/2017

Rashi Mathur D/o Mahesh Mathur, age 28 years, caste Mathur, Resident of C-112, Shastri Nagar, Jodhpur.

-----Petitioner

Versus

1. Jai Narain Vyas University, Jodhpur Through its Registrar, Residency Road, Jodhpur.
2. Registrar, Jai Narain Vyas University, Residency Road, Jodhpur.
3. Kailash Choudhary S/o D R Choudhary, Age 37 years, Caste Choudhary, Resident of Plot No.12, Football House, Opposite Shiv Market, Shiv Vihar Colony, Saran Nagar, Jodhpur 342001, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Manoj Bhandari, Mr. Anirudh Purohit, Mr. Kshamendra Mathur, Jitendra Mohan Choudhary, Mr. Rajdeep Singh, Dr. Nikhil Dungawat, Mr. Vinod Choudhary
For Respondent(s)	:	Mr. DS Beniwal Mr. Digvijay Singh Jasol

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Judgment / Order

27/08/2018

1. Learned counsel for the petitioner states that these writ petitions may be treated as representations, and while dealing with all grounds stated in the writ petitions, a speaking order may be passed by the respondents before going ahead with the recruitment process in question.
2. Learned counsel for the respondents has candidly admitted that the respondents themselves have put on hold the selection process in question and are contemplating the procedure of giving effect to the subsequent selection process arising out of the advertisement at appropriate level.
3. Learned counsel for the respondents has shown to this Court three orders of which one is dated 18.07.2018 passed by Deputy Secretary to the Government of India reads as under :-

"No.1-7/2017-CU-V(pt)

Government of India

Ministry of Human Resource Development

Department of Higher Education

Shastri Bhawan New Delhi

Dated, the 18th July, 2018

To

*The Secretary,
University Grants Commission
Bahadurshan Zafar Marg
New Delhi*

*Subject SLPs filed by MHRD and UGC in the case of WA
No.43260 of 2016 filed by Shir Vivekanand Tewari & Anr. Vs.
UoI & Ors. in Hon'ble Supreme Court – regarding
Sir,*

*Please refer to the UGC letter No. 1-5/2006(SCT) dated
18.07.2018 stating that some universities have
advertised/initiated the process of recruitment for the
teaching positions taking into consideration the Department
as a Unit Vide the letter the UGC has requested to provide
advice/further direction on the matter.*

*2. As your are aware the SLPs have been filed by MHRD
and UGC in the case of WA No.43260 of 2016 filed by Shri
Vivekanand Tewari & Anr. Vs. UoI & Ors. in Hon'ble Supreme
Court and the same are stated for hearing tentatively on
13.08.2018.*

*3. Hence, it would be appropriate if UGC issues a direction
to all the institutions to postpone the recruitment process, if
it is already underway, till further orders.*

Your faithfully

(Vijay Kumar)

Deputy Secretary to the Govt. of India"

*Second document as shown by respondents is order dated
19.07.2018 passed by Joint Secretary reads as under :-*

"No.F. 1-5/2006 (SCT)

19th July, 2018

The Registrar(s)

All Central Universities

All State Universities receiving grant-in-aid

*Deemed to be Universities receiving grant-in-aid from
UGC/Government*

Inter-University Centres of UGC

Sub. : Implementation on reservation policy of the Government of India

Sir/Madam,

Reference is invited to this office letter of even number dated 20th April, 2018 on the above mentioned subject wherein it was informed that Union of India and the University Grants Commission has filed separate petitions in the Hon'ble Supreme Court of India seeking special leave to appeal the final order and judgment dated 07.04.2017 of the Hon'ble High Court of Judicature at Allahabad in WPA No.43260 of 2016, which was upheld by the Hon'ble Supreme Court of India.

In this contest and in pursuance of the letter No. 1-7/2017-CU-V(pt) dated 18th July, 2018 of the Ministry of Human Resource Development Government of India (copy enclosed). You are requested to postpone the recruitment process, if it is already underway, till further orders.

Your faithfully

*(Dr. Urmila Devi)
Joint Secretary*

Encl. As above

सत्यमेव जयते

Third document as shown by respondents is order dated 19.07.2018 passed by Officer-in-charge (Higher Education) reads as under :-

"राज्यपाल सचिवालय

राजभवन, जयपुर

प्रेषक:

सचिव,

प्रेषिति:

समस्त कुलपतिगण,

राज्यपाल, राजस्थान
जयपुर।

समस्त राज्य वित पोषित विश्वविद्यालय
राजस्थान।

क्रमांक: एफ.1(39)आरबी/96-पार्ट/5865

दिनांक 19 जुलाई, 2018

महोदय,

कृपया संयुक्त सचिव, विश्वविद्यालय अनुदान आयोग, नई दिल्ली के परिपत्र क्रमांक एफ1-5/2006(एससीटी) दिनांक 19.07.2018 बाबत *Implementation of reservation policy of the Government of India* का संदर्भ लेवें जो उप सचिव, मानव संसाधन विकास मंत्रालय, भारत सरकार, नई दिल्ली के पत्र क्रमांक 1-7/2017-CU-V (pt.) दिनांक 18.07.2018 जिसमें विश्वविद्यालयों में शैक्षणिक पदों पर भर्ती, यदि कोई प्रक्रिया में है तो, को स्थगित किए जाने के संबंध में जारी किया गया है, की प्रति निर्देशानुसार पालनार्थ संलग्न कर प्रेषित है। कृपया पालना रिपोर्ट माननीय राज्यपाल एवं कुलाधिपति महोदय के अवलोकनार्थ भिजवायें।

संलग्न :- उपरोक्तानुसार

भवदीय,

एस.डी.

(हरीश कुमार)

प्रभारी अधिकारी, उच्च शिक्षा"

4. After taking into consideration the aforementioned submissions, the present writ petitions are disposed of with the direction to the respondents to pass a speaking order pertaining to each and every issue raised in the writ petitions, while considering the writ petitions to be the representations, and before passing such speaking order, the respondents, who themselves had put the selection process on hold, shall not proceed with the selection process in question. The petitioners shall also be permitted to file separate representation, in case they want to raise any fresh ground than the one raised in these writ petitions. The representation shall be submitted by the petitioners within a period of 30 days from today, and the same shall be decided by

the respondents within two months thereafter, strictly in accordance with law. The speaking order to be passed by the respondents shall contain the detailed reasons and the determinative policy of the respondents as to how they propose to finalize the selection process in question. It is further made clear that the stand taken by the respondents in their reply shall not preclude them from making due application of mind afresh, in light of the aforesaid direction.

(Dr. PUSHPENDRA SINGH BHATI),J

sudheer



सत्यमेव जयते