

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 869/2022

The State Of Rajasthan

----Appellant

Versus

Gajraj S/o Shri Ramchandra

----Respondent

Connected With

1. D.B. Special Appeal Writ No. 521/2022
2. D.B. Special Appeal Writ No. 522/2022
3. D.B. Special Appeal Writ No. 540/2022
4. D.B. Special Appeal Writ No. 591/2022
5. D.B. Special Appeal Writ No. 620/2022
6. D.B. Special Appeal Writ No. 791/2022
7. D.B. Special Appeal Writ No. 793/2022
8. D.B. Special Appeal Writ No. 796/2022
9. D.B. Special Appeal Writ No. 797/2022
10. D.B. Special Appeal Writ No. 859/2022
11. D.B. Special Appeal Writ No. 886/2022
12. D.B. Special Appeal Writ No. 897/2022
13. D.B. Special Appeal Writ No. 945/2022

For Appellant(s)	:	Mr. S.S.Raghav, AAG Mr. Sanjay Mehla with Ms. Sunita Mehla Mr. Akshay Dutt Sharma on behalf of Mr. Sandeep Singh Shekhawat Mr. Shobit Tiwari
For Respondent(s)	:	Mr. Vigyan Shah with Mr. Akshat Gupta Mr. Punit Singhvi with Mr. Ayush Singh Mr. Ramdev Arya Ms. Sweta Pareek with Ms. Poonam Mishra Mr. Kartikeya Sharma on behalf of Mr. Sandeep Taneja

HON'BLE MR. JUSTICE ARUN BHANSALI
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

15/12/2023

1. The application No.4/2023 has been filed by the respondents inter-alia seeking direction to the respondent to keep posts vacant for the respondents till disposal of the special appeal.

2. In the present case learned Single Judge while accepting the writ petition inter-alia held as under:-

"The writ petitions are allowed accordingly. It is held that the petitioners with two years Pre-Primary Teacher Training course from the institutions recognised by the NCTE with nomenclature different from the NTT course, are entitled for appointment in pursuance of advertisement dated 21.8.2018. The respondents are directed to accord them appointment with all consequential benefits from the date persons less meritorious than them have been given appointment barring actual monetary benefits. Compliance to be made within a period of eight weeks from the date of receipt of a certified copy of the order."

3. On appeal being filed by the State, the following directions have been given by the Division Bench:-

"After taking into consideration the submission of learned counsel for the parties and further taking into consideration that in the present case the issue required to be decided is whether any equivalence between the PPTC and NTT or DPSE has been drawn either by the State or by the NCTE, we direct that the order of the learned Single Judge to the extent of issuing directions for appointment to those who are holder of PPTC certificate shall not be given effect to till the next date of hearing. However, the directions of the learned Single Judge in respect of those respondents/writ petitioners who are in possession of DPSE

certificate shall be given effect to which however shall remain subject to final outcome of the appeals.”

4. It is submitted by learned counsel for the respondents, that the appeals continue to remain pending and the interim order has been extended from time to time. Now, the respondents by way of an order dated 26.09.2023 have called the candidates for Document Verification in terms of the directions given by the Division Bench and pursuant to the said Document Verification, recommendations dated 06.12.2023 have been made.

5. It is submitted that in case on account of the interim order granted by this Court, all the posts are filled up by the candidates, who are lower in merit to the respondents, the respondents would suffer irreparable injury, wherein, even if the appeal filed by the State is dismissed, the respondents would not be accorded appointment and therefore, to this extent, the appellant-State be directed to keep the posts vacant.

6. Learned counsel for the appellant-State made submissions that the action taken by the State is in terms of the interim order granted by this Court, and same cannot be faulted.

7. We have considered the submissions made by learned counsel for the parties and perused the orders passed by learned Single Judge and the Division Bench.

8. Vide order dated 29.03.2023, the Division Bench has directed that the direction given by learned Single Judge to the extent of according appointment to those, who are holders of PPTC certificate shall not be given effect. The direction given is limited to not according appointment to them. However, in case

the posts are filled up by other candidates and the appeal filed by the State is ultimately dismissed, same is likely to result in undesirable consequence.

9. In that view of the matter, the application No.4/2023 is allowed. The appellant-State is directed to keep posts equivalent to the respondents in these appeals holding PPTC certificate, in whose favour learned Single Judge has granted direction and the interim order by the Division Bench has been granted directing not to accord appointment to them.

10. The appellants would keep the posts vacant equivalent to the said respondents-candidates, category wise.

11. Subject to the above directions, the appellant-State may proceed with according appointment to other candidates on rest of the posts.

12. List these appeals for hearing on 30.01.2024.

(ASHUTOSH KUMAR),J

(ARUN BHANSALI),J