

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Misc. 2nd Stay Application No. 17181/2022
IN

S.B. Civil Writ Petition No. 10787/2020

1. Dinesh Kumar Sharma S/o Sita Ram Sharma, Aged About 28 Years, R/o Village Chatarpura, Post Dantali, tehsil Sanganer, Via Kanota, District Jaipur (Rajasthan)
2. Deepak Kumar Sharma S/o Shri Nathu Lal Sharma, Aged About 28 Years, R/o Vpo Bilona Kalan, Tehsil Lalsot, District Dausa (Rajasthan)
3. Rohit Nagda S/o Shri Pushkar Nagda, Aged About 30 Years, R/o Kailashpuri, Udaipur Rajasthan 313202.
4. Pawan Kumar Sharma S/o Shri Chandresh Kumar Sharma, Aged About 31 Years, R/o Behind Sbbj, Subhash Colony, Chak Dausa Dausa, Rajasthan 303303.
5. Surendra Kumar S/o Shri Shiv Bhagwan, Aged About 28 Years, R/o Ward No 9, 23 Ntr, Po. Parlika Nohar, 23 Ntr, Hanumangarh, Nohar, Rajasthan 335523.
6. Dinesh Vidhani S/o Shri Shankar Lal Vidhani, Aged About 39 Years, R/o 21/2 Chb, Jodhpur, Nandanwan Jodhpur Jodhpur, Rajasthan 342008.
7. Vijay Srivastava S/o Shri Balanand Srivastava, Aged About 31 Years, R/o A23 Shree Ganesh Vihar, Meenawala Sirsi Road, Panchyawala Jaipur, Rajasthan 302034.
8. Ankit Sharma S/o Ram Dayal Sharma, Aged About 34 Years, R/o B-82, 80 Feet Road, Mahesh Nagar, Tonk Phatak, Lal Kothi, Gandhi Nagar, Jaipur, Rajasthan-302015
9. Himanshi Sharma D/o Raman Lal Sharma, Aged About 26 Years, R/o Behind Of Tehsil, Govindgarh, Govindgarh, Alwar, Rajasthanmn 301604
10. Manoj Kumar Saini S/o Shiv Kumar Saini, Aged About 30 Years, R/o Ward No. 5, Ramray Ki Dhani, Chelasi, Jhunjhunu, Rajasthan - 333042

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Finance, Government Secretariat, Jaipur

2. Department Of Treasuries And Accounts, Through Director, Vitt Bhawan, Janpath, Jaipur- Rajasthan
3. Department Of Personnel And Training, Through Principal Secretary, Dop, Government Secretariat, Jaipur
4. Rajasthan Public Service Commission, Through Chairman, Jaipur Road, Ghooghara Ghati, Ajmer, Rajasthan 305001
5. Ms. Vinita Shrivastava, Secretary to Government of India, Ayurved, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH) Department Ayush Bhawan, Sector-26, Pratap Nagar, Jaipur Rajasthan-302033.

-----Respondents

For Petitioner(s) : None
For Respondent(s) : Mr. M.S. Singhvi-A.G.-through V.C.
with Mr. Daksh Pareek, Adv.

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND
Order

13/03/2023

Hon'ble Apex Court in the case of **Ex-Capt. Harish Uppal vs Union Of India & Anr., reported in 2003 (2) SCC 45** has held that the Court is under an obligation to hear and decide the cases brought before it and it cannot shirk that obligation only because the lawyers have decided to abstain from the judicial work.

Matter comes up on second stay application.

Perusal of the contents of this second stay application indicate that petitioners have filed this application for issuance of direction to the respondents not to proceed with the advertisement dated 21.09.2022 for appointment on the post of Junior Accountant/Tehsil Revenue Accountant-2022.

Mr. M.S. Singhvi, Advocate General-cum-Senior Advocate submits that in earlier round of litigation, the writ petition filed by the similarly situated persons was dismissed by this Court vide

order dated 08.02.2020. He further submits that against the said order a D.B. Special Appeal (Writ) No. 151/2020 was submitted and the same is still pending and sub judice before the Division Bench. He submits that even before the Division Bench also, similar second stay application was submitted and the same was dismissed by the Division Bench vide order dated 19.12.2022 by observing thus:-

“Heard on second stay application in case of Vikash Kumar Gupta & Anr. V/s State of Rajasthan & Ors.

Learned counsel for the appellants submits that during pendency of the present appeal, the respondents have initiated the process of selection for grant of eligibility and the appellants apprehends that during pendency of the appeal, vacant posts of Junior Accountant and Tehsil Revenue Accountant including the vacancies which were earlier advertised and out of which, the dispute has arisen earlier, may also be filled up. Learned counsel submits that the writ petition was dismissed by the learned Single Judge placing reliance upon the resolution of Committee passed on 03.05.2019, which did not correctly worked out the vacancy position and the actual need of various departments for many of posts.

On the other hand, learned AG would submit that the order of learned Single Judge has been passed, taking into consideration that the Committee comprising of senior officials in the department of Personnel Finance as also Registrar, Board of Revenue, Director, Treasury & Accounts and also Secretary RPSC, which clearly recorded that the Board of Revenue and Department of Treasury & Accounts informed that there is no further requirement of manning posts.

Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the decision of learned Single Judge is founded on the resolution dated 03.05.2019 and the statements recorded therein

with regard to no further need of appointment out of the waiting list.

We are not inclined to stay further proceedings, however, all appointments which are made will remain subject to final outcome of the appeals.

All interim applications filed earlier are also rejected.

List these appeals for final hearing.”

He further submits that in view of the order dated 19.12.2022 passed by the Division Bench of this Court, this second stay application is also liable to be rejected.

None is there on behalf of the petitioner to press the second stay application.

Contents of the second stay application indicate that prayer made in the application is identical to the prayer made before the Division Bench of this Court in second stay application in D.B. Special Appeal Writ No. 151/2020 which has already been rejected vide order dated 19.12.2022.

In view of the factual aspect of the matter, instant second stay application also stands dismissed in the light of the order dated 19.12.2022.

Before parting with the order, it is made clear that all appointments would be subject to decision of this petition.

(ANOOP KUMAR DHAND),J