

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11019/2015

Dilip Kumar Sharma
-----Petitioner
Versus
State Of Raj And Ors
-----Respondent

Connected With

S.B. Civil Writ Petition No. 10623/2015

Hari Prakash
-----Petitioner
Versus
State Of Raj And Ors
-----Respondent

S.B. Civil Writ Petition No. 11041/2015

Ashok Kumar
-----Petitioner
Versus
State Of Raj And Ors
-----Respondent

S.B. Civil Writ Petition No. 7438/2018

Smt Suman Kumari
-----Petitioner
Versus
State Of Raj And Ors
-----Respondent

S.B. Civil Writ Petition No. 7501/2018

Hari Prakash
-----Petitioner
Versus
R P S C Ajmer
-----Respondent

S.B. Civil Writ Petition No. 8121/2018

Dileep Kumar Sharma
-----Petitioner
Versus
R P S C Ajmer
-----Respondent

For Petitioner(s) : Mr. Arihant Samdaria for
Mr. Sunil Samdaria
Mr. Himanshu Jain
For Respondent(s) : Mr. M.F. Baig

HON'BLE MR. JUSTICE SAMEER JAIN

Order

19/02/2024

By way of the present bunch of petitions, a challenge has been raised against the impugned actions of the respondent-RPSC, whereby in the Year 2015, on the pretext of the petitioners having procured forged and/or fabricated degrees, the respondent-RPSC has debarred the petitioners from appearing in any competitive/public examination conducted by the State, for the duration of their entire life.

It is submitted by learned counsel for the petitioners that the impugned actions of the respondent-RPSC are wholly arbitrary and against the settled principles of law. In this regard, learned counsel contended that a restrictive order, which affects the candidature of the petitioners for the entire duration of their life in any public examination, can only be passed pursuant to having afforded an opportunity of hearing to the petitioners, to plead in their defense. However, in the facts of the instant case, said opportunity was not provided to the petitioners and as a result, the impugned actions of the respondent-RPSC failed to satisfy compliance with the principles of natural justice and thereby, are liable to be set aside.

Even otherwise, learned counsel submitted that the impugned action of the respondent-RPSC, debarring the petitioners, is disproportionate to the offense as alleged.

Upon scanning the record of the petition, specifically letter dated 18.05.2015 i.e. Annexure 9, it is analyzed that the SOG has registered a FIR No. 15/2014 dated 17.12.2014, against certain individual(s) for procuring fabricated degrees from Jodhpur National University. However, the status of the proceedings in connection with the said FIR, is unknown.

Learned counsel for the petitioners also submitted that certain matters, wherein the cause and controversy is identical, are pending adjudication at the Principal Seat of this Court in Jodhpur, namely **S.B. Civil Writ Petition No. 16656/2017** titled as **Jodhpur National University vs. State of Raj. & Ors**, wherein status quo orders have been passed.

In this background, taking note of the facts/averments noted above, this Court deems it appropriate to direct the respondent-RPSC as well as the concerned AAG, representing the State, to file an update response in the matter, specifically addressing the factual stipulations recorded above, including the status of the criminal proceedings as well as the matters pending before the Principal Seat in Jodhpur.

List the matters on 04.03.2024, in the supplementary cause-list, for final disposal.

Application (IA. No. 01/2024) filed in S.B. Civil Writ Petition No. 8121/2018, shall also be considered on the said date.

Name of Shri Bhuvnesh Sharma ,AAG be reflected in the cause-list.



[CW-11019/2015]

A copy of the petition be supplied in the Office of learned
AAG Sh. Bhuvnesh Sharma, AAG, expeditiously.

(SAMEER JAIN),J

GARIMA /623-628