

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21377/2009  
(From the judgement and order dated 25/03/2009 in SBCWP  
No.3649/2004,DBSCA No.69/2009 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

SURESH CHANDRA SHARMA

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 02/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. SS Shamsbery,Adv.  
Mr. Bhakti Vardhan Singh,Adv.  
Mr. SR Soren,Adv.  
Mr. R.C. Kohli,Adv.

For Respondent(s) Mr. Imtiaz Ahmed,Adv.  
Mrs. Naghma Imtiaz,Adv.  
Mr. Milind Kumar,Adv.

UPON hearing counsel the Court made the following  
O R D E R

In KAILASH CHAND SHARMA Vs. STATE OF RAJASTHAN & ORS.,  
(2002) 6 SCC 562, this Court had confined the grant of relief  
only to the writ petitioners before the High Court and directed  
that their claims should be considered afresh in the light of  
the judgment vis a vis the candidates appointed on or after  
18.11.99 or those in the select list who are yet to be  
appointed. This Court had further directed, that upon such

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consideration, if the writ petitioners are found to  
have

superior merit determined after excluding the bonus marks of

10% and/or 5%, they shall be offered appointments,  
if

necessary, by displacing the candidates appointed on or after

18.11.1999. The appointments made upto 17.11.1999 could  
not

however be reopened and/or re-considered.

The petitioner's case is that although the relief granted by this Court was limited to the writ petitioners in the case mentioned above, a large number of persons were appointed as Assistant Teachers, Grade - III, in different districts in schools run by the Zilla Parishad.

In terms of additional documents produced by the petitioner, appointment of two persons, namely, Bishembar Dayal and one Jamuna Lal were shown to have been made, no matter, they were not petitioners in the writ petition referred to in KAILASH CHAND SHARMA (supra). In addition, our attention was drawn to an office order issued by the Collector Barmer, whereunder 27 persons named in that order are appointed as Asstt. Teachers. A supplementary affidavit filed by the District Education Officer, District Barmer, shows that apart from Bishembar Dayal and Jamuna Lal, appointments of nearly one dozen persons were made, which appointments were later on cancelled because the authorities realized that the same had been made illegally as those appointed were not writ petitioners before the High Court.

Learned counsel appearing for the respondent - State

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submits that while 12 persons in addition to Bishembar Dayal and Jamuna Lal were appointed, by the respondents, he was unable to state as to whether any inquiry was instituted by the State Government into all such illegal appointments. All that he could say was that those who were illegally appointed were sought to be removed against which action, the aggrieved persons had moved the High Court of Rajasthan and secured some

interim orders in their favour.

We regret to say that the picture, as to the total number of persons appointed contrary to the instructions issued by this Court, as also the steps that were taken for their removal and the persons responsible for making such appointments is not very clear.

We, accordingly, direct the Secretary to the Government of Rajasthan, Department concerned, to hold an inquiry and submit a report as to the number of appointments made contrary to the order of this Court in KAILASH CHAND SHARMA (supra) indicating the particulars of all such persons who have been appointed, the steps that have been taken by the Government of Rajasthan for removal of people so appointed as also action, if any, initiated against those who were responsible for making such appointments. Needful shall be done by the Secretary expeditiously but not later than two months from the date a copy of this order is received by him. An affidavit based on the findings recorded in the inquiry held shall be submitted along with relevant record to this Court on or before

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24.07.2012.

Post on 24.07.2012.

(N.K. Goel)  
Court Master

(Veena Khera)  
Court Master