

ITEM NO.51

COURT NO.13

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).34351/2009

(Arising out of impugned final judgment and order dated 14-01-2009 in CSA No. 27/2009 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

BADRI LAL JAT

Respondent(s)

Date : 01-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Dr. Manish Singhvi, Sr.Adv./AAG
Mr. Satyendra Kumar, Adv.
Mr. Shailja Nanda Mishra, Adv.
Ms. Ruchi Kohli, AOR

For Respondent(s)

Ms. Surekha Raman, Adv.
Mr. Dileep P., Adv.
Mr. Akhil A. Roy, Adv.
Mr. Sahil Singh, Adv.
Ms. Viddusshi, Adv.
For M/S. K J John And Co, AOR

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

Heard learned counsel for the parties.

The writ petition filed by the respondent for appointment of Physical Training Instructor (PTI) Grade III was allowed by the High Court on the ground that there was a change in the eligibility criteria during the process of selection. The State, aggrieved by the judgment of the High Court, has filed this special leave

petition, on the ground that the basic Recruitment Rules were not changed and the High Court ought not to have directed the State to make appointment.

The connected matters filed by the State against judgment of the High Court involving the same issue were dismissed by this Court as the respondents therein were appointed and they were continuing to work.

In the present case, we are informed that there is only one respondent, who is awaiting appointment. On the last date of hearing, we requested Dr. Manish Singhvi, learned senior counsel to get instructions from the State as to whether the respondent can be accommodated at any place in the State of Rajasthan in the post of Physical Training Instructor (PTI) Grade III.

On instructions, learned senior counsel submits that the respondent can be appointed in District Chittorgarh as Physical Training Instructor (PTI) Grade III.

It is made clear that the respondent shall not be entitled for any backwages and his appointment shall be treated as a fresh appointment for all purposes. The respondent shall be appointed within four weeks from today.

However, this shall not be treated as a precedent, as this order has been passed in the peculiar facts of this case.

The special leave petition is, accordingly, disposed of.

(SUKHBIR PAUL KAUR)
AR CUM PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR