

ITEM NO.4

COURT NO.12

SECTION XV

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).31902/2010

(From the judgement and order dated 05/08/2010 in DBCWP No. 10313/2010 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

PRAVEEN CHOUDHARY Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS. Respondent(s)

(With appln(s) for stay and prayer for interim relief and office report)

Date: 05/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Anuj Bhandari, Adv
Ms. Ruchi Kohli, Adv.

For Respondent(s) Mr. Dushyant Parashar, Adv.
Mr. Irshad Ahmad, Adv.
Mr. Surya Kant ,Adv

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

The special leave petition is directed against judgment dated August 5, 2010 rendered by the Division Bench of the High Court of Judicature For Rajasthan at Jaipur Bench, Jaipur in D.B. Civil Writ Petition No. 10313/2010 and other cognate
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matters, by which the prayer made by the petitioner and others to call them again for interview on account of their obtaining more raw marks than the cut off marks published by R.P.S.C. in the result dated July 20, 2010 by carving out category-3 and mentioning the fact that they have already been interviewed and, therefore, they have not been

called for interview, is refused. It may be mentioned that the Division Bench of the Rajasthan High Court while deciding DBCWP No. 825/2010 and other cognate matters had given following directions by judgment dated May 10, 2010.

"Consequently, the result declared on the basis of adopting the scaling system during pendency of these writ petitions for Rajasthan Judicial Service Examination 2008 and recommendations made in pursuance of result so declared to the State Government for appointment are hereby declared null and void and the Rajasthan Public Service Commission is directed to prepare fresh merit/select list while taking into consideration the raw marks obtained by the candidates in the written examination and, while proceeding on the basis of raw marks obtained by the candidates in the written examination, further, add marks obtained in the interview. After preparation of fresh merit/select list, final result may be declared and names of so selected

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candidates may be recommended to the State Government for appointment. This exercise shall be completed by the Rajasthan Public Service Commission within a period of two months from the date of receipt of certified copy of this order. There shall, however, be no order as to costs."

The above mentioned judgment of the High

Court was challenged by Rajasthan Public Service

Commission by means of filing SLP No. 169/2010.

The said petition was dismissed by order dated

July 9, 2010 with following observations :-

"Permission to file SLP is granted in CC No.9494/2010.

We have heard the learned counsel for the petitioners at length and in detail in both the petitions but do not find any substance in the petitions.

This Court completely agrees with the directions given by the High Court in the impugned judgment.

However, Mr. P. P. Rao, learned senior counsel for petitioner in SLP No.16869/2010 prays that time to implement the directions given by the High Court in the impugned judgment be extended reasonably having regard to the facts of the case. Having regard to the facts and circumstances of the case, further time of one month is granted from today to enable the petitioner i.e. Rajasthan Public Service Commission to comply with the directions

given by the High Court.

Subject to the extension of time as mentioned above, the petitions fail and are dismissed."

In view of the above mentioned order passed

by this Court and judgment of the Division Bench of the High Court dated 10.5.2010 in DBCWP No 825/2010 filed by in Sharwan Kumar against RPSC, the High Court by the impugned judgment has dismissed all the petitions.

This Court has heard the learned counsel for the petitioner. What was declared to be null and void was scaling down of marks. Therefore, direction was given to the R.P.S.C. to prepare fresh merit list on the basis of marks obtained in written examination and oral interview and to make recommendation to the State to make appointments. The view taken by the High Court in the impugned judgment cannot be regarded as erroneous so as to warrant interference of this Court under Article 136 of the Constitution. The petition therefore fails and is dismissed.

(Sonia)
Sr. P. A.

(Phoolan Wati Arora)
Court Master