

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3718 / 2018

Pramila D/o Sarjeet Singh, Aged About 23 Years, By Caste OBC,
R/o VPO Sardargadiya, Tehsil Bhadra, Dist. Hanumangarh (Raj.).

----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Department of
Rural Development and Panchayati Raj, Govt. of Rajasthan,
Secretariat, Jaipur.

2. The Director, Elementary Education, Govt. of Rajasthan Bikaner.

3. The Zila Parishad Jodhpur Through Its Chief Executive Officer.

----Respondents



For Petitioner(s) : Mr. J.S. Bhaleria

For Respondent(s) : Ms. Deepika Purohit, Assisting Counsel to
Mr. PR Singh, AAG

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

02/04/2018

1. The petitioner has preferred this writ petition for the following reliefs :-

“a) by an appropriate writ, order or direction, the respondents may kindly be directed to consider candidature of the petitioner for appointment on the post of Teacher Grade III (level II) for Science Maths subject by considering her application form as correct and she may be given appointment from the date when similarly situated persons are being given appointment with all consequential benefits.

b) by an appropriate writ, order or direction, the respondents

may kindly be directed to act upon the check list which has been prepared by the authority verifying the documents as Annex.P/6 and thereafter she may be considered for appointment at her own merit with all consequential benefits.

c) Any other appropriate writ, order or direction which this Hon`ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.

d) Writ petition filed by the petitioner may kindly be allowed with costs."



2. The petitioner secured 1573 marks out of 2025 marks in B.Sc. She participated in recruitment process initiated vide advertisement dated 11.9.2017 under the nomenclature "Rajasthan Primary and Upper Primary School Teacher Direct Recruitment, 2016 (Revised)".

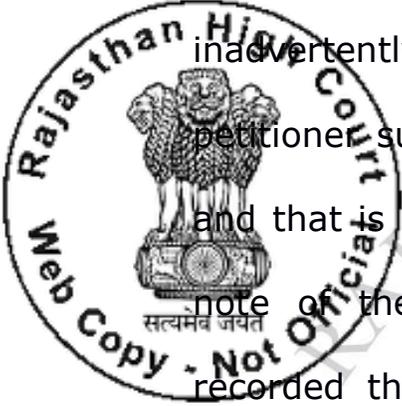
3. At the outset, counsel for the petitioner has drawn attention of Court to the Online Application Form (Annex.3) of the petitioner wherein at Column 4, sub-column (3) petitioner had filled in his marks obtained in graduation as 1573 from total marks 2020, whereas the total marks was 2025. Counsel for the petitioner stated that inadvertent error, which crept in while filling online form at e-mitra was later on rectified by her at the time of document verification conducted by the respondents.

4. Counsel for the respondent opposed the submission on the ground that a specific condition is stipulated in the

advertisement itself that "once the online form is submitted, no change can be made in the same." Counsel for the respondent submitted that computation of total marks in percentage are directly affected by submission of wrong total marks.

5. After hearing learned counsel for the parties, this Court observes that on coming to knowledge of the mistake inadvertently made while submitting online application form, the petitioner submitted an affidavit, which is on record at page 55, and that is not refuted by the respondents. This Court also takes note of the fact that vide Annex.P/6, the respondents have recorded the fact of affidavit being furnished by the petitioner regarding the mistake in mentioning of total marks obtained. This Court further finds that, though, change in total marks obtained affect percentage of petitioner, which was 77.87% as per wrong total marks and 77.68% as per correct total marks 2025 but in both the cases the petitioner stood in merit of selection, therefore, the petitioner ought not to be penalized for the error that is apparent on the face of record. The respondents have not been able to attribute any malafide intention or ill-motive on the part of petitioner. Moreover, the respondents have accepted affidavit sworn-in by the petitioner and have themselves recorded that such mistake has been rectified as is reflected from Annex.P/6 entry made at bottom line and have accordingly acted upon the correct total marks which is 2025.

6. In light of aforesaid observation, the present writ petition is allowed. The error, which is apparently a bonafide error on the part of petitioner, who is otherwise a meritorious candidate



and is fully eligible for appointment should not be the reason to deprive her from her right to livelihood. Accordingly, the respondents are directed to give appointment to the petitioner on the post of Teacher Gr.III (Level II) Science-Maths in her respective category, if she is otherwise, eligible and meritorious while considering total marks mentioned in the Online Application Form as 2025. Such appointment shall be made within a period of 30 days from today subject to eligibility and merit of the petitioner.

(DR. PUSHPENDRA SINGH BHATI)J.



Sanjay



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