

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

S.B. Civil Writ Petition No. 4307 / 2018

1. Tilok Ram S/o Shri Siji Ram, Aged About 36 Years, By Caste Meghwal, Resident of Jodhiyasi, Panchayat Samiti Nagaur, District Nagaur.

2. Rajuram S/o Sh. Ramu Ram, Aged About 39 Years, R/o Gogelaw, Tehsil Nagaur, District Nagaur

3. Om Parkash S/o Sh. Bhagta Ram, Aged About 37 Years, By Caste Meghwal R/o Kamedia, Tehsil Jayal, District Nagaur

----Petitioners

Versus

1. State of Rajasthan Through Secretary, Department of School Education, Government of Rajasthan, Jaipur.

2. Director, Elementary Education, Government of Rajasthan, Bikaner.

3. Chief Executive Officer (CEO), Zila Parishad, Nagaur.

4. District Education Officer Elementary, District Nagaur.

5. District Education Officer Secondary, District Nagaur.

----Respondents

For Petitioner(s) : Mr. Hapu Ram Vishnoi

For Respondent(s) : Ms. Sweta Kochar, Assisting Counsel to
Mr. SS Ladrecha, 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 impugned order dated 03.1.2018 (Annex.3) order dated 21.03.2018 (Annex.7) may kindly be quashed and set aside.

b) by an appropriate writ, order or direction, the respondents may kindly be directed to give appointment to the humble petitioner on the post of Gram Panchayat Sahayak at respective Gram Panchayats;

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. Learned counsel for the parties are in agreement that the controversy involved in this writ petition is covered by the decision of this Court in **Maina Devi Meghwal Vs. State of Rajasthan & Ors.**, (S.B. Civil Writ Petition No.1650/2018, decided on 22.03.2018), which reads as follows :

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

“a) by an appropriate writ, order or direction, the impugned order dated 03.1.2018 (Annex.3) may kindly be quashed and set aside.

b) by an appropriate writ, order or direction, the respondents may kindly be directed to give appointment to the humble petitioner on the post of Gram Panchayat Sahayak at Gram Panchayat Khakhraki;

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.”



The petitioner participated in recruitment process on the post of Gram Panchayat Sahayak. As per norms of State, the petitioner's name was recommended by SDMC of Gram Panchayat, Khakhraki for being appointed as Panchayat Sahayak alongwith two other candidates. The DEO (Elementary) also forwarded the same recommendation. The respondents, however, did not recommend name of petitioner vide order dated 03.1.2018 on the ground that the petitioner's experience certificate on the post of Prerak was not signed by competent authority. Counsel for the petitioner has drawn attention of Court to page 41 (Annex.4) to show that the experience certificate is counter-signed by Vikas Adhikari & Secretary, Block Lok Shiksha Samiti, Panchayat Samiti, Kuchaman City and, therefore, as per learned counsel, the certificate could not have been rejected on the ground of not having proper signature.

3. Counsel for the respondent is not in a position to refute the experience certificate of the petitioner signed by the concerned Vikas Adhikari.

4. After hearing learned counsel for the parties and perusing the record, this Court is of the opinion that the signatory to experience certificate of the petitioner is a responsible officer of the State of Rajasthan, therefore, the experience certificate counter-signed by him can't be brushed aside by the concerned Committee.

5. In the result, the writ petition is allowed. The impugned order

dated 03.1.2018 (Annex.3) qua the petitioner is quashed and set aside. The respondents are directed to give appointment to the petitioner on the post of Gram Panchayat Sahayak, if she is otherwise eligible and meritorious, by not disqualifying her on the ground of her Prerak experience certificate being not been signed by the competent authority. Necessary consideration shall be made within a period of 30 days from today.



Accordingly, this writ petition is allowed. The respondents are directed to give appointment to the petitioners on the post of Gram Panchayat Sahayak, if they are otherwise eligible and meritorious, by not disqualifying them on the ground of their Prerak experience certificate being not been signed by the competent authority. Necessary consideration shall be made within a period of 30 days from today.

(DR. PUSHPENDRA SINGH BHATI)J.

Sanjay

सत्यमेव जयते