

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

S.B. Civil Writ Petition No. 4684/2018

Mohd. Ameen

---Petitioner

Versus

State of Rajasthan & Ors.

----Respondents



For Petitioner(s) : Mr. Jog Singh

For Respondent(s) : Mr. Vikas Choudhary, Assisting Counsel to
Mr. SS Ladrecha, AAG

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

03/04/2018

1. Counsel for the parties agree that the matter is squarely covered by the decision of this Court rendered in **Pawan Kumar Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No.1704/2018)** decided on 12.03.2018, the operative portion whereof reads as follows :-

“43. This Court, in light of the aforementioned judgment of the Hon'ble Division Bench in **Rakesh Chaudhary & Ors. Vs. State of Rajasthan & Ors. (supra)**, disposes of the present writ petitions with the following observations and directions:

(i) One year contractual appointment on the post of Gram Panchayat Sahayak shall be maintained qua the petitioners, until completion of the said one year in May, 2018, in accordance with the spirit of the judgment of the Hon'ble Division Bench in **Rakesh Chaudhary & Ors. Vs. State of Rajasthan & Ors. (supra)**.

(ii) No changes in the appointments of the petitioners shall be

made at this stage, until May, 2018.

(iii) The respondents shall be free to scrutinize the eligibility, merit and work performance of the petitioners on completion of one year, in terms of the aforementioned judgment of the Hon'ble Division Bench.

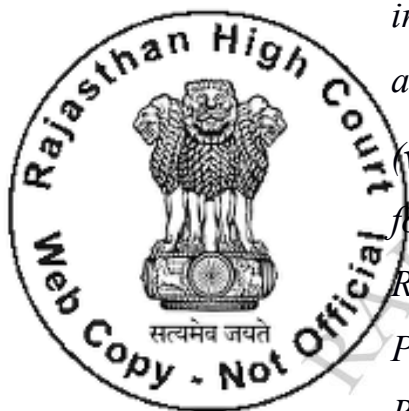
(iv) The respondents shall, after making such consideration, be free not to extend the contract of the petitioners, if some gross irregularity, under-performance or ineligibility or merit is ascertained by them at that stage afresh.

(v) The very purpose of appointment Gram Panchayat Sahayaks for a period of one year after bringing in the amendment in the Rajasthan Panchayat Raj Act, 1994 and the Rajasthan Panchayati Raj Rules, 1996, particularly Rule 258(3) of the Rules of 1996, which was added, was with a motive of focus on empowering the local body of gram panchayat in its first phase and hence, the State has to be given some time for the scheme to settle, and thus, the circulars in vogue will be revisited as per requirement.

(vi) Number of circulars that have been issued by the respondents to execute Rule 258(3) of the Rules of 1996 are laudable, but at the same time, this Court is constrained to observe that the respondents ought to have a more transparent, fair and common criteria for assessing the merit of the candidates for making such appointments of Gram Panchayat Sahayaks across the State of Rajasthan in future.

(vii) In light of the aforesaid observations, this Court also directs the respondents that by the time this tenure of one year of Gram Panchayat Sahayaks is over in May, 2018, the State of Rajasthan shall be under a legal obligation to provide for a common, transparent and logical criteria for assessing the merit for giving equal opportunity to all the candidates, subject to eligibility stipulated in the prevailing circulars.

(viii) The circulars in vogue shall remain in currency as per the requirement of the respondents to execute the recruitment, but in



addition to such circulars, the basic criteria, which has been left to the concerned local bodies, shall be worked out by the State and a common criteria shall be thrashed so as to give appropriate weightage to the experience and the computation of merit as per the qualifications required for such contractual post of Gram Panchayat Sahayak.

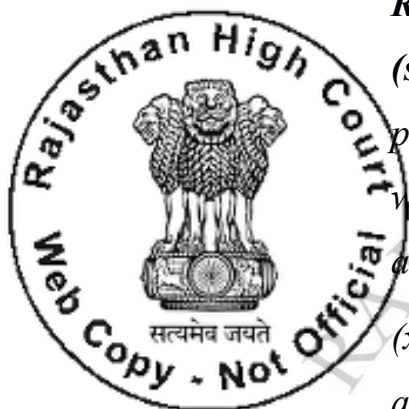
*(ix) Thus, as per the Hon'ble Division Bench judgment in **Rakesh Chaudhary & Ors. Vs. State of Rajasthan & Ors.** (supra), the respondents shall be required to continue the petitioners selected and the given appointment shall continue with the respondents, until their one year is completed and the above-mentioned directions are complied with.*

(x) It is made clear that the uniform criteria that shall be adopted by the State of Rajasthan before the next selection exercise shall not be an impediment in continuance of the persons, who have already been appointed, in case the respondents choose to extend their contract after making appropriate evaluation and assessment.

(xi) When the new criteria, as directed above, is made applicable in the next round of appointments in the second year of appointment for the post of Gram Panchayat Sahayak, at that time, the grievance of the persons, who feel prejudiced at the appointment already made, shall also be considered afresh.

To conclude, the two basic reasons why this Court has passed the aforementioned order are, (a) the judgment of the Hon'ble Division Bench, as aforementioned, whereby, the Hon'ble Division Bench has noted that the appointments are only for a period of one year, and short term interference at the fag end of the contractual period may not be warranted and; (b) the non-application of mind is reflected from the impugned orders."

2. In light of the aforementioned precedent law, the present writ petition is disposed of in the same terms. It is



specifically made clear that after May, 2018, the respondents shall be having the liberty of not extending the contract of the petitioner on any ground of irregularity or under performance or ineligibility or any reason sufficient to discontinue him as ascertained by the respondents. This order will operate only in favour of the candidates, who had joined services in pursuance of the selection process on the post of Gram Panchayat Sahayak and are being sought to be terminated before May, 2018.



Sanjay

(DR. PUSHPENDRA SINGH BHATI)J.



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