

(2023) 05 RAJ CK 0107

Rajasthan High Court

Case No: Civil Writ Petition No. 4736 Of 2023

Ram Kumar And
Others

APPELLANT

Vs

State Of Rajasthan
And Others

RESPONDENT

Date of Decision: May 11, 2023

Hon'ble Judges: Vinit Kumar Mathur, J

Bench: Single Bench

Advocate: Manish Patel, Jitesh Kandare, Manish Tak

Final Decision: Disposed Of

Judgement

Vinit Kumar Mathur, J

The present writ petition has been filed with the following prayers :-

â€œ(i) by an appropriate writ order or direction, the Seniority List dated 30.09.2022 (Annex.-4) may kindly be quashed and set aside.

(ii) by an appropriate writ order or direction, the petitioners may kindly be considered for promotion on the post of UDC as per their merit.

(iii) by an appropriate writ order or direction, the seniority list should be prepared as per Order/Clarification dated 16.03.2022 and 15.11.2022 (Annex.-

2) which contain that seniority list should be prepared as per date of joining.

(iv) by an appropriate writ order or direction, no promotion order should be given to any person as enlisted in the communication dated 11.11.2022

(Annex.-8).â€

Learned counsel for the petitioners submits that the petitioners being eligible for appointment on the post of LDC applied for selection in pursuance of

the advertisement issued by the Department in the year 2013. The petitioners after being selected were appointed on the post of LDC in Panchayat

Samiti Mundwa on 27.06.2013. Learned counsel submits that now the Department is preparing a seniority list of the LDC, which will be considered

for promotion to the post of UDCs in the Department. Learned counsel submits that while preparing the seniority list, the respondent-Department is

not taking into consideration the date of joining on the post of LDC and instead of the seniority list is being prepared considering the merit position of

the candidates in the examination held in the year 2013. Learned counsel submits that in other Districts of the State of Rajasthan, the seniority lists of

the LDCs are being prepared considering the date of joining on the post of LDC. He submits that the State Government vide circulars dated

16/03/2022 and 15/11/2022 has clarified the situation that while preparing the seniority list of the LDCs, date of joining should be taken into account.

He submits that despite two circular/notification having been issued by the State Government, the respondents in the present case are preparing the

seniority list in accordance with the merit list of the selections conducted by them in the year 2013. In these circumstances, learned counsel prays that

the respondents may be directed to prepare the seniority list in accordance with the Rules on the subject and considering the circulars/notifications

issued by the State Government on 16/03/2022 and 15/11/2022 and the petitioners may be permitted to file a detailed representation to the respondent

No.2 for redressal of their grievances.

Learned counsel for the respondents is not in a position to controvert the submissions made by learned counsel for the petitioners and he assures this

Court that in the event of a representation being filed by the petitioners, the same shall be considered and decided strictly in accordance with law

including the circulars of 16/03/2022 and 15/11/2022 and any other latest circulars issued by the State Government on the subject holding the field.

In view of the submissions made before this Court, the present writ petition is disposed of with a direction to the petitioners to file a detailed

representation to the respondent No.2 for redressal of their grievances and the respondent No.2 is directed to decide the same strictly in accordance

with law considering the circulars mentioned here-in-above while deciding the representation of the petitioners. The representation shall be decided by

the respondent No.2 at the earliest possible preferably within a period of four weeks from the date of filing the same by the petitioners.

The stay applications and other pending applications, if any, also stand disposed of.

The order has been passed based on the submissions made in the petition, the respondents would be free to examine the veracity of the submissions

made in the petition and only in case, the averments made therein are found to be correct, the petitioners would be entitled to the relief.