

(2014) 05 RAJ CK 0120

Rajasthan High Court (Jaipur Bench)

Case No: Civil Special Appeal (W) No. 20/2014

Suman Yadav

APPELLANT

Vs

State of Rajasthan and
Others

RESPONDENT

Date of Decision: May 7, 2014

Hon'ble Judges: R.S. Chauhan, J; J.K. Ranka, J

Bench: Division Bench

Advocate: Shailesh Prakash Sharma, Advocate for the Appellant

Final Decision: Dismissed

Judgement

1. The appellant has challenged the judgment dated 18.10.2013 passed by the learned Single Judge of this Court whereby the learned Judge has dismissed the petition filed by the appellant-petitioner.
2. The brief facts of the case are that the appellant filed a writ petition challenging the order dated 12.11.2012, whereby the respondents had cancelled her appointment, and had ordered for fresh selection to commence. In their reply, the respondents claimed that there was a complaint made against the appellant's selection on the ground that her uncle-in-law was a member of the selection committee. Therefore, the selection stands vitiated. After hearing both the parties, the learned Single Judge dismissed the petition filed by the appellant, and directed the respondents to hold fresh selection within a period of three months. The learned Judge also directed the respondents to continue the appellant only for the said period of three months. Hence this appeal before this Court.
3. The learned counsel for the appellant pleads that by the impugned order the learned Single Judge had given a direction that the petitioner shall continue on the post till fresh selection is made, or upto three months, whichever is earlier. According to the learned counsel, despite the judgment dated 18.10.2013, despite lapse of more than three months, the selection process is yet to begin. Therefore,

his limited prayer is that this Court should direct that till the selection process is completed, and till an eligible and a suitable person is appointed in the Angan Badi Centre, the appellant should be permitted to continue on the said post.

4. Heard the learned counsel for the appellant.

5. Once a direction is given by this Court, the respondents are duty bound to carry it out. Moreover, once this Court has concluded that the appellant's selection was an illegal one, she cannot claim the right to continue on her post beyond the period granted by this Court. Merely because the respondents have failed to complete the selection process within the stipulated period of three months, no right to continue accrues to the appellant. Therefore, the prayer made by the appellant is highly misplaced.

6. Thus, this Court does not find any illegality or perversity in the impugned judgment. This appeal being devoid of any merit is hereby dismissed. Consequently, the stay application is also dismissed.