RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11022/2018
CNR: RJHC020245902018 | URN: CW / 18103U / 2018

Chetan Sharma, Son of Shri Ashok Sharma, R/o Behind Katra School, Katra, Warehouse Ke Pas, Nadbai, District Bharatpur.

----Petitioner

Versus

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1. State of Rajasthan Through Secretary Cum Commissioner, Panchayati Rajasthan Department, Government of Rajasthan, Jaipur.
2. Chief Executive Officer, Zila Parishad, Bharatpur, Rajasthan
3. District Education Officer, Elementary Education, Bharatpur

----Respondents

Connected With

S.B. Civil Writ Petition No. 16443/2018
CNR: RJHC020623522018 | URN: CW / 27492U / 2018

Vandana Sain D/o Sh. Dinesh Chand, Aged About 27 Years, B/c Nai, Resident of Village Ghatari Tehsil Bhusawar Vpo Bhusawar Distt. Bharatpur (Raj.)

----Petitioner

Versus

1. State of Rajasthan, Through Its Secretary Cum Commissioner Panchayati Department, Govt. of Rajasthan Jaipur.
2. Chief Executive officer, Zila Parishad Bharatpur Rajasthan.
3. District Education Officer, Elementary Education Bharatpur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. D.S. Bagadia Mr. Kapil Bardhar with Mr. Suresh Bairwa, Mr. Yogesh Kumar Meena & Ms. Anshulika Pareek
For Respondent(s)	:	Mr. Neeraj Batra, G.C. with Ms. Sneha Kaushal Mr. Vinod Kumar Gupta, Addl.G.C. with Ms. Karishma Soni Mr. Gopal Krishan Sharma, Addl.G.C. with Mr. Saumil Sharma

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HON'BLE MR. JUSTICE SANDEEP TANEJA

Judgment

Date of Reserving Judgment	**05.10.2026**
Date of Pronouncement	**26.11.2026**
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1. The present writ petitions have been preferred by the petitioners, being aggrieved by the rejection of their candidature for consideration for appointment to the posts of Grade-III Teachers in the Primary and Upper Primary categories.

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2. Briefly stated, the facts of the case are that the petitioners, namely, Chetan Sharma, belonging to the General category, and Vandana Sain, belonging to the OBC category, applied for appointment to the post of Grade-III Teacher (Level-I) pursuant to the advertisement issued by the respondents for the Grade-III Teacher Direct Recruitment, 2013.

2.1 During the course of the recruitment process, following the written examination, candidates who secured marks within the prescribed cut-off and fell within the 1:2 ratio were called for document verification. The Zila Parishad, Bharatpur, conducted document verification on 02.03.2015 and 03.03.2015, in which the petitioners duly participated and their documents were verified. Subsequently, another round of document verification was conducted on 28.08.2017, in which the petitioners again participated. However, their names did not find a place in the final merit list.

2.2 It appears that, subsequently, certain candidates approached this Court by way of writ petitions bearing S.B. Civil Writ Petition Nos. 4906/2018 (Kiran Saini Vs. State of Rajasthan), 4718/2018 (Mamta Bunkar Vs. State of Rajasthan), 4907/2018 (Anita Chhipa Vs. State of Rajasthan) and 4821/2018 (Rajni Sonwal Vs. State of Rajasthan). Pursuant to the orders passed in the aforesaid writ petitions, the respondents worked out the vacancies available in each of the Zila Parishads and declared a revised result against the available vacancies. Accordingly, candidates falling within the zone of consideration in the

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ratio of 1:2 were called for document verification against the said vacancies.

2.3 In furtherance of the aforesaid exercise, a public notice was published in a daily newspaper on 18.03.2018, calling upon the candidates to appear for document verification on 13.04.2018 at the headquarters of their respective Zila Parishads. The petitioners did not appear for document verification on the aforesaid date. They, however, subsequently appeared on 16.04.2018, and their documents were duly verified by the respondents.

2.4 Respondent No.2, vide letter dated 19.04.2018, forwarded the merit list to respondent No.3, wherein the names of the petitioners were also mentioned. However, their names did not find place in the final list of candidates issued by respondent No.3 for appointment to the posts of Level-I Teachers.

2.5 Being aggrieved by the aforesaid exclusion, petitioner-Chetan Sharma has preferred the present writ petition (S.B. Civil Writ Petition No.11022/2018).

2.5.1 Insofar as petitioner-Vandana Sain is concerned, she had earlier preferred a writ petition (S.B. Civil Writ Petition No.1881/2018), which came to be decided by this Court on 30.01.2018. The said writ petition was disposed of with a direction to the respondents to consider and decide the representation submitted by the petitioner by passing a reasoned and speaking order, as expeditiously as possible, in accordance with law.

2.5.2 Pursuant to the aforesaid order dated 30.01.2018, the petitioner submitted a representation. However, as the same was not initially decided by the respondents, she filed a contempt petition (S.B. Civil Contempt Petition No.966/2018). Respondent No.2, thereafter, decided

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her representation vide order dated 16.05.2018, holding that she was not eligible on account of having secured marks below the prescribed cut-off in the revised result. It was further observed that she had not appeared for document verification on 13.04.2018, the date stipulated in the public notice. Hence, the petitioner-Vandana Sain has preferred the present writ petition (S.B. Civil Writ Petition No. 16443/2018).

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3. Learned counsel for the petitioners submitted that the action of the respondents in rejecting the petitioners' candidature was arbitrary and unjustified, particularly when their documents had already been verified on 02.03.2015 and 28.08.2017. It was further submitted that, vide letter dated 11.07.2018, issued by the Joint Secretary (Training), Rural Development and Panchayati Raj Department, Government of Rajasthan, to the Chief Executive Officer, Zila Parishad, Bharatpur, it was specifically clarified that candidates whose documents had already been verified were not required to undergo the process of document verification afresh. Learned counsel also submitted that the names of the petitioners were also included in the merit list forwarded by respondent No.2 to respondent No.3 vide letter dated 19.04.2018, and therefore, their candidature could not have been rejected without due consideration. Learned counsel, accordingly, prayed that the present writ petitions be allowed.

4. *Per contra*, learned counsel for the respondents submitted that the petitioners were required to appear for fresh document verification pursuant to the public notice dated 18.03.2018, which specifically mentioned that no further opportunity would be granted to candidates who failed to appear for document verification on the scheduled date. With regard to petitioner-Vandana Sain, it was further submitted that

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she had secured marks below the prescribed cut-off in the revised result and, therefore, was not entitled to appointment.

4.1 Learned counsel for the respondents also submitted that the names of the petitioners were wrongly mentioned in the list dated 19.04.2018 forwarded by respondent No.2 to respondent No.3. It was, however, fairly submitted that petitioner-Chetan Sharma falls within the prescribed merit, as he would stand at Serial No.4 in the General category, but his candidature was rejected solely on the ground that he did not appear for document verification on 13.04.2018. On the other hand, petitioner-Vandana Sain does not fall within the zone of consideration, as the revised cut-off marks were 157.22, whereas she had secured 156.40 marks. Learned counsel, therefore, prayed to dismiss the present writ petitions.

5. Heard learned counsel for the parties and perused the material available on record.

6. The issue which arises for consideration is whether the petitioners were required to appear for document verification on 13.04.2018 pursuant to the public notice dated 18.03.2018 and whether, in the facts and circumstances of the present case, their candidature could have been rejected on the ground of non-appearance for document verification on the said date.

7. In matters of public employment, the State and its instrumentalities are required to act in a fair, transparent, reasonable and non-arbitrary manner. The authorities are expected to adopt a reasonable and balanced approach while enforcing procedural requirements and to avoid taking a hyper-technical view, as the procedural requirements are intended to facilitate the recruitment process and not to defeat the legitimate rights of otherwise eligible and

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meritorious candidates. A Division Bench of this Court, in the case of **Union of India Vs. Harendra Gawaria**, D.B. Civil Writ Petition No.1587/2022, decided on 04.02.2022, held that wherever there is a conflict between substantial justice and hyper-technicality, substantial justice should prevail, as an overly technical approach may result in a failure of justice and defeat the very ends of justice. The action of the respondents is, therefore, required to be examined in the light of the above principles.

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8. In the instant matter, it transpires from the record that the public notice dated 18.03.2018 was issued in compliance of the directions passed by this Court in the writ petitions referred to hereinabove. By way of the said public notice, candidates falling within the zone of consideration were directed to appear for document verification on 13.04.2018. The respondents have sought to reject the candidature of the petitioners on the ground that they did not appear for document verification on the aforesaid date.

8.1 There is no doubt that the petitioners did not appear for document verification on 13.04.2018. It is, however, an admitted position that their documents had already been verified by the respondents on two earlier occasions, i.e., on 02.03.2015 and 28.08.2017. Thus, the petitioners had already undergone the process of document verification twice, and it is not the case of the respondents that the documents furnished by them were deficient or that the petitioners did not fulfill the prescribed eligibility requirements.

8.2 Furthermore, it is also admitted that the petitioners appeared before the respondent authorities on 16.04.2018, i.e., within three days of the scheduled date of document verification, and their documents were once again verified. Significantly, this exercise was undertaken

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before respondent No.2 forwarded the merit list to respondent No.3 on 19.04.2018, wherein the names of the petitioners were also included. Thus, the respondents themselves accepted and verified the documents of the petitioners before forwarding their names in the said list for further consideration. In these circumstances, particularly when the documents of the petitioners had been verified on three occasions i.e., 02.03.2015, 28.08.2017 and 16.04.2018, and the said exercise had been completed prior to forwarding of the merit list, this Court is of the considered opinion that the respondents were not justified in rejecting the candidature of the petitioners on the ground of their non-appearance on 13.04.2018.

9. Moreover, it is also an admitted position that the Joint Director of the respondent department, vide letter dated 11.07.2018, clarified that candidates who had already undergone the process of document verification were not required to get their documents verified afresh. In view of the aforesaid clarification also, it is, apparent that the petitioners were not required to appear for document verification again. Consequently, the respondents could not have rejected the candidature of the petitioners on the ground that they did not appear for document verification on 13.04.2018.

10. However, the aforesaid finding, by itself, does not confer an automatic right upon the petitioners to seek appointment. A candidate must also fulfill the prescribed eligibility conditions and fall within the zone of consideration on the basis of merit. Therefore, the candidature of each petitioner is required to be examined independently on this aspect.

10.1 Insofar as petitioner-Chetan Sharma is concerned, the respondents have themselves admitted that he falls within the

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prescribed merit and would stand at Serial No.4 in the General category. Thus, his merit position is not in dispute. The only objection raised against his candidature is his non-appearance for document verification on 13.04.2018, which, as already held hereinabove, is not sustainable. Accordingly, the writ petition filed by petitioner-Chetan Sharma deserves to be allowed.

10.2 As regards petitioner-Vandana Sain is concerned, her case stands on a different footing. From the material available on record, it is evident that in the result declared in the first round, the cut-off marks for her category were 155.93, whereas, she had secured 155.40 marks. In the revised result, the cut-off marks were 157.22, whereas she had secured 156.40. It is pertinent to note that while deciding her representation vide order dated 16.05.2018, the respondents specifically recorded that the revised cut-off marks for the concerned category were 157.22, whereas the petitioner had secured only 156.40 marks. Further, in the additional reply filed by respondent Nos.1 and 2, it has specifically been stated that, as per her merit position, she would stand at Serial No.4 in the OBC category, whereas only two vacancies were available in the said category. It is, thus, clear that petitioner-Vandana Sain did not fall within the zone of consideration against the available vacancies. In view of the aforesaid facts, although the ground of non-appearance for document verification cannot be sustained, the petitioner had evidently secured marks below the revised cut-off and, therefore, did not fall within the zone of consideration. Consequently, she does not fulfill the prescribed merit requirement for appointment. Accordingly, the writ petition filed by petitioner-Vandana Sain deserves to be dismissed.

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11. As an upshot, S.B. Civil Writ Petition No.11022/2018, filed by petitioner-Chetan Sharma, is **allowed**. The respondents are directed to consider his candidature for appointment to the post of Grade-III (Level-I) Teacher in accordance with his merit and other applicable conditions of recruitment. If he is otherwise found eligible, he shall be accorded appointment with effect from the date on which a candidate lower in merit than him was appointed. However, the petitioner shall be entitled only to notional benefits, including fixation of seniority and other consequential service benefits, and shall not be entitled to actual salary for the intervening period. It is further directed that, in case no vacancy is presently available against which the petitioner can be accommodated, the respondents shall either create a supernumerary post or accommodate him against any post which has fallen vacant subsequently, for the purpose of giving effect to the directions issued herein. Such appointment shall be made without disturbing the appointment of any other candidate and shall be subject to the petitioner's fulfillment of the prescribed eligibility conditions. The supernumerary post, if created, shall stand abolished upon the petitioner vacating the same or upon availability of a regular vacancy, as the case may be.

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12. However, S.B. Civil Writ Petition No.16443/2018, filed by petitioner-Vandana Sain, is **dismissed**.

13. Pending applications, if any, also stand disposed of.

(SANDEEP TANEJA),J

SAHIL SONI/66-67/S-A

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