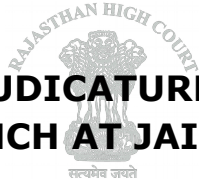




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 3567/2024

Narpat Surela Son Of Kishori Lal Surela

----Petitioner

Versus

The State Of Rajasthan

----Respondent

Connected With

S.B. Civil Writ Petition No. 3326/2024

Saurabh Singh S/o Shri Ramsingh

----Petitioner

Versus

State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3568/2024

Garima Daughter Of Raghuveer Prasad Verma

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3708/2024

Manish Kumar S/o Mahipal Singh,

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 3724/2024

Pawan Bagari S/o Lal Chand Bagari

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 4205/2024

Robin Singh S/o Shri Vasudev

----Petitioner

Versus

The State Of Rajasthan

----Respondent

S.B. Civil Writ Petition No. 4300/2024

Versha D/o Shri Rameshwarlal





[CW-3567/2024]

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s) : Mr. Tribhuvan Narayan Singh
Mr. Sukhdev Singh Solanki
Mr. Ram Pratap Saini
Mr. Ribu Dutta
Mr. Vishwanath Karan Rathore
Mr. Arind Rana

For Respondent(s) : Mr. Bharat Vyas, AAG with
Mr. Akhil Simlote
Mr. Sandeep Pathak
Mr. Rajendra Salecha with
Ms. Priya P. Srivastava, Associate
Division Head, IBPS
Mr. Vijai N, Member Secretary, RSPCB
Dr. Nisha Jain, OIC
Mr. Abhishek Sharma, Superintending
Sc. Officer
Ms. Prasputita Nanda,
Superintending, Sc. Officer

HON'BLE MR. JUSTICE SAMEER JAIN

Order

22/03/2024

In pursuance to the advertisement dated 05.10.2023, for the post of LO-II, JSO, JEE, vacancies were created. Examination for the same was conducted by respondent no.4.

Qua the same, the selection process commenced and the results were declared.

At this juncture, it was submitted that one petition i.e. S.B. CWP No. 3567/2024 was filed whereby the claim was made that the concerned examination process was not transparent, being illegal and unfair. In this regard, learned counsel for the respondents submitted that the respondents neither published any



model answer key nor asked for any objections from the candidates. Devoid of said procedure, the final result was declared.

Considering the aforesaid, on the last occasion, notice(s) were issued.

As per order-sheets dated 11.03.2024, 14.03.2024 and more particularly, dated 19.03.2024, after considering the scheme of the examination, interim protection was granted.

Today, when the matter was called, the relevant officers were present in Court to assist their counsel along with the record of the matter.

Upon hearing the said officers, counsel for both the sides and also, the record of the petition, the following facts/stipulations come to light, namely:-

(i) Previously, the recruitment process was carried out by MNIT. Thereafter, a deviation was adopted and instead of RPSC/Staff Selection Board, without any justifiable reason, respondent no.4 was appointed as the examination agency, which is a society registered in Bombay as a public trust.

(ii) It was explained by the learned counsel for the respondent-Board that the provisions of RTPP Act were followed in letter and spirit. Proceedings were carried out under the provisions of Section 31(h), whereby in an exceptional and emergent circumstance, single procurement could be initiated qua the service. The said provision is reproduced herein-under:-

"(h) subject matter of procurement is of such nature as requires the procuring entity to maintain confidentiality, like printing of examination papers"



(iii) When the Court called for the record, merely a note-sheet was produced, extract of which is reproduced herein-under:-

"प्रशासनिक विभाग द्वारा पर्यावरण एवं जलवायु परिवर्तन विभाग के अधीन राजस्थान राज्य प्रदूषण नियंत्रण मण्डल में सीधी भर्ती (वर्ष 2023-24) के रिक्त पदों को IBPS संस्थान के माध्यम से भरे जाने की सहमति हेतु विभागीय प्रस्ताव के संबंध में रिक्त पदों के fooj.k@muds रिक्त होने का दिनांक व उनकी संख्या की सूचना के साथ संबंधित विज्ञ अधिकारी को उपस्थित होने का परामर्श दिया जाता है।

यह वित्त विभाग में सक्षम स्तर से अनुमोदित है।"

(iv) The said note-sheet dated 17.08.2023 has not made any reference to the provisions of the RTPP Act. Moreover, no reasons were provided as to why the State agencies bypassed the selection process.

As on date, despite the notices being duly served, no reply is placed on record.

At this juncture, learned AAG Shri Bharat Vyas has marked his presence.

In this background, this court directs the respondent no.1 to file an appropriate affidavit, on the following aspects:-

(1) That why the selection qua the authorities dealing with the man power empowerment, such as the RPSC and Staff Selection Board, were bypassed.

(2) That on the exceptional and emergent circumstance under the provisions of Section 31(h), the relevant note-sheets/reasoning ought to have been highlighted.

(3) That why despite the fact that transparency is key in examinations of a public nature, the requirements imposed vide the judgment of the Hon'ble Apex Court as enunciated in **Harkirat**



Singh Ghuman Vs. Punjab & Haryana High Court & Ors.:
AIR 2020 SC 4060, was bypassed.

(4) That it is also to be specified in the said affidavit that when the court was seized with the matter, why the appointment process was continued, especially when important points of law were involved.

As a result, let the entire records related to the case and appointments be kept for perusal of the court, on the next date. Furthermore, let appropriate response be filed by the State expeditiously.

Additionally, learned counsel for the petitioner is directed to implead the Chief Secretary as a necessary party-respondent.

List on 22.04.2023 at 11.00 AM.

In the meantime, pleadings be complete.

Let notice(s) be issued in the connected matters.

Interim order, as passed previously, to continue.

(SAMEER JAIN),J

Pooja /Neeru/429-434,49