



सत्यमेव जयते

राजस्थान सरकार
ग्रामीण विकास एवं पंचायती राज विभाग
(पंचायती राज)

क्रमांक एफ 3()जांच/पंरावि/16/ 2676

जयपुर, दिनांक :- 4/7/17

मुख्य कार्यकारी अधिकारी,
जिला परिषद, समस्त ।

विषय :- सी.एम.जे. यूनिवर्सिटी के पात्र छात्रों को भर्ती में
सम्मिलित करने बाबत ।

उपरोक्त विषयान्तर्गत लेख है कि सी.एम.जे. यूनिवर्सिटी के छात्रों को भर्ती में सम्मिलित करने के सम्बन्ध में माननीय उच्च न्यायालय, जोधपुर में दायर डी.बी. सिविल स्पेशल अपील संख्या 137/2016 इन डी.बी. सिविल रिट पिटीशन संख्या 9627/2013 विमला वर्सेज स्टेट ऑफ राजस्थान एण्ड अदर्स में माननीय न्यायालय द्वारा दिये निर्णय दिनांक 28.3.2016 की फोटोप्रति संलग्न प्रेषित है ।

संलग्न :- उपरोक्तानुसार ।

(राजेन्द्र शेखर मक्कड)
अतिरिक्त आयुक्त एवं
संयुक्त शासन सचिव

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

JUDGMENT

D.B. CIVIL SPECIAL APPEAL NO.137/2016
IN
D.B. CIVIL WRIT PETITION NO.9627/2013

Vimla
vs.
State of Rajasthan and Ors.

Date of Judgment :: 28.3.2016



PRESENT
HON'BLE MR. JUSTICE GOVIND MATHUR
HON'BLE MR. JUSTICE ARUN BHANSALI

Mr. K.R. Saharan, for the appellant/s.

BY THE COURT :

This appeal is barred by limitation from 518 days, but ignoring the same, we have examined the appeal on merits.

This appeal is preferred to question correctness of the judgment dated 4.7.2014 passed by learned Single Bench in SBCWP No.9627/2013.

In brief, factual matrix of the case is that the respondents under an advertisement dated 14.2.2013 invited applications from eligible candidates to be considered for appointment to the post of Lower Division Clerk ('LDC') as per the provisions of the Rajasthan Panchayati Raj Rules, 1996 (hereinafter to be referred as 'the Rules of 1996'). The eligibility to be considered for appointment to the post of LDC is that the aspirant is required to

have Senior Secondary School Examination Certificate from a recognised Board or a qualification equivalent thereto and 'O' level certificate issued by the Department of Electronics, Government of India controlled by DOEACC or certain other qualifications including Diploma in Computer Science / Computer Applications from a University established by law in India or from an institution recognized by the Government of Rajasthan. The petitioner being having a diploma in Computer Applications from CMJ University, Shillong (Meghalaya) submitted an application to be considered for appointment as LDC under the advertisement dated 14.2.2013. Her candidature was rejected on the count that the Diploma possessed by her in Computer Applications given by CMJ University, Shillong (Meghalaya) is not a qualification recognised.



Being aggrieved, she preferred a petition for writ, that came to be dismissed under the order impugned.

Learned Single Bench while dismissing the writ petition held that the CMJ University was dissolved and de-recognised by the State of Meghalaya as also by the UGC, therefore, the decision taken by the respondent does not suffer from any wrong.

In appeal, the argument advanced by learned counsel for the appellant-petitioner is that the de-recognition of the qualification aforesaid was made on 27.9.2013 and the appellant-petitioner acquired qualification prior to that, therefore,

the decision of the respondents is illegal. It is asserted that the Diploma obtained by the appellant-petitioner prior to its de-recognition is required to be treated as a valid qualification making the appellant-petitioner eligible to be considered for appointment to the post of LDC under the Rules of 1996.

We do not find any merit in the arguments advanced.

Suffice it to mention that CMJ University, Shillong (Meghalaya) was established and incorporated under the CMJ University Act, 2009 (hereinafter to be referred as 'the Act of 2009'). Section 13(3)(b) of the Act of 2009 provides that the Governor of Meghalaya will be the Visitor of the University and shall have power to issue directions as he deems fit in the interest of the University, which shall be binding on all the concerned. Exercising powers under Section 13(3)(b) of the Act of 2009, the Visitor under an order dated 30.4.2013 issued certain directions including that the CMJ University, Shillong (Meghalaya) shall recall / withdraw all the Degrees awarded so far.

In view of the decision taken by the Visitor as per Section 13(3)(b) of the Act of 2009, the Diploma possessed by the appellant-petitioner is no more in existence. The appellant-petitioner, as such, is having no qualification in Computer Applications.

In view of whatever discussed above, the appellant-petitioner is not possessing requisite qualification to be



considered for appointment on the post of LDC and therefore, learned Single Bench has rightly dismissed the petition for writ.

The appeal is dismissed, accordingly.

[ARUN BHANSALI], J.

[GOVIND MATHUR], J.

