



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

S.B. Civil Writ Petition No. 9139/2022

1. Chain Singh Gurjar Son Of Shri Hardev Gurjar, Aged About 34 Years, Resident Of Gurjar Basti, Behrai, Ganeshpura, Shahbad, District Baran (Raj.)
2. Mahima Kunwar Yadav Daughter Of Shri Samar Singh Yadav, Wife Of Shri Devendra Singh Yadav, Aged About 35 Years, Resident Of Subji Mandi, Sadar Bazar, Banera, District Bhilwara (Raj.)
3. Amit Panwar Son Of Shri Bhanwar Lal Panwar, Aged About 29 Years, Resident Of Ward No. 09, Ambedkar Nagar, Suthoth, District Sikar (Raj.)
4. Bindu Devi Daughter Of Shri Nihal Singh, Wife Of Shri Suresh Kumar, Aged About 26 Years, Resident Of House No. 1165, Sector-20, Part-2, Huda, Sirsa, Haryana.
5. Akash Son Of Shri Manoj Kumar, Aged About 26 Years, Resident Of Kalakhairi, Buhana, District Jhunjhunu (Raj.)
6. Punam Chand Siyag Son Of Shri Shera Ram Siyag, Aged About 31 Years, Resident Of Chak-7Awm, (Aawa), Tehsil Chhattargarh, District Bikaner (Raj.)

----Petitioners

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)
2. Joint Secretary, Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)

----Respondents

Connected With

S.B. Civil Writ Petition No. 8967/2022

1. Prakash Chand Verma Son Of Shri Radheyshyam Verma, Aged About 31 Years, Resident Of Ward No. 29, Ladi Colony, Mohalla Badabas, Kotputli, District Jaipur (Raj.)
2. Naresh Kumar Son Of Shri Asu Ram Choudhary, Aged About 25 Years, Resident Of Near Ram Mandir, Choudhary Niwas, Pachpadra City Barmer (Raj.)
3. Shailja Yadav Daughter Of Shri Yudhbir Yadav, Aged About 27 Years, Resident Of Pota 8, Mahendragarh, Haryana, At Present Resident Of Plot No. 60, Mohan Nagar, Jaipur (Raj.)
4. Sagar Sehgal Son Of Shri Tilkraj Sehgal, Aged About 24 Years, Resident Of Bakhtanwali, 19 MI, Udyog Vihar, Ganganagar (Raj.)
5. Anwar Ali Son Of Shri Hasam Ali, Aged About 24 Years, Resident Of Ward No. 29, Near Power House, Badopal Road, Suratgarh, Ganganagar (Raj.)
6. Ramswaroop Son Of Shri Kishnaram, Aged About 31





Years, Resident Of Jambh Sagar, Bheeyasar, Jodhpur (Raj.)

7. Vinod Godara Son Of Shri Ramchander Godara, Aged About 30 Years, Resident Of Ward No. 06, Bishnoi Mohalla, Chak 2, S.g.r., G.p., Dingawala, P.o. Likhmisar, Pilibanga, Hanumangarh (Raj.)
8. Somraj Vishnoi Son Of Shri Balawanta Ram, Aged About 31 Years, Resident Of 493, Janguo Ki Dhani, Naya Bera, Lohawat Chainpura, Jodhpur (Raj.)
9. Neelam Daughter Of Shri Laduram, Aged About 30 Years, Resident Of Riyan Setho Ki, Pipad City, Jodhpur (Raj.)
10. Subhash Chandra Son Of Shri Parwatram, Aged About 31 Years, Resident Of Post Khudera Bara, Teshil Ratangarh, District Churu (Raj.)
11. Santosh Vishnoi Daughter Of Shri Maniram, Aged About 34 Years, Resident Of Sindhlas, Butati, Nagaur (Raj.)
12. Shankar Lal Bishnoi Son Of Shri Narayan Ram Bishnoi, Aged About 35 Years, Resident Of Vodha Sanchor, Jalor (Raj.)
13. Ratna Lal Barwar Son Of Shri Ganesha Ram, Aged About 29 Years, Resident Of Dhyawa, Nagaur (Raj.)
14. Shalander Kumar Devenda Son Of Shri Ram Lal Devenda, Aged About 36 Years, Resident Of Dabri, Jaipur (Raj.)
15. Hansraj Meena Son Of Shri Ramniwas Meena, Aged About 32 Years, Resident Of Bansipura, Niwai, Hatu Ka Chok, Banshipura, Niwai, Tonk (Raj.)
16. Sariyat Bai Daughter Of Gani Khan, Aged About 33 Years, Resident Of Akal, District Barmer, At Present Resident Of 27, Vinobha Nagar, Near Sector-11, Malviya Nagar, Jaipur (Raj.)
17. Jodha Ram Son Of Shri Banwari Lal, Aged About 35 Years, Resident Of Ward No. 06, 4 Jsd, Tehsil Shri Vijaynagar, District Shri Ganganagar (Raj.)
18. Suman Kalvi Daughter Of Shri Bhalaram, Wife Of Bharat Kumar, Aged About 31 Years, Resident Of Bhalni, District Jalore (Raj.)
19. Basanti Prajapat Daughter Of Shri Jivan Ram Prajapat, Aged About 33 Years, Resident Of Ward No. 19, Adhar Bas, Dungargarh, District Bikaer (Raj.)
20. Ramsahay Bairwa Son Of Shri Gopal Lal Bairwa, Aged About 32 Years, Resident Of Thikariya Kalan, Kanwara, District Tonk (Raj.)
21. Surendra Singh Son Of Shri Sanwar Mal Gainan, Aged About 32 Years, Resident Of Dhani Gainano Wali, Bandala, Ward No. 12, Tehsil Neema Ka Tana Chala, District Sikar (Raj.)

-----Petitioners

Versus

1. Rajasthan Public Service Commission, Through Its





Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)

2. Joint Secretary, Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)

----Respondents

S.B. Civil Writ Petition No. 9373/2022

1. Suresh Narain Sharma Son Of Shri Ram Pal Sharma, Aged About 43 Years, Resident Of Singola Mohalla, Kundal, District Dausa (Raj.)
2. Indrosh Kumari Daughter Of Shri Prabhati Ram, Aged About 36 Years, Resident Of Near Gramin Public School, Village And Post Khachawana, Tehsil Bhadra, 7Dpl, Hanumangarh (Raj.)
3. Vijay Singh Jat Son Of Shri Hanuman Prasad Jat, Aged About 27 Years, Resident Of Ward No. 26, Dhani Bhagta Ki, Rampur, Alwar (Raj.)
4. Neetu Kaur Daughter Of Shri Trilok Singh, Aged About 36 Years, Resident Of Mungaska, Delhi Road, Alwar (Raj.)
5. Prameshwar Lal Son Of Shri Fefa Ram, Aged About 36 Years, Resident Of Toliyasar, Khuri, Churu (Raj.)
6. Gopal Ram Kuri Son Of Shri Sagar Mal Kuri, Aged About 34 Years, Resident Of Ward No. 12, Sargoth, Srimadhapur, District Sikar (Raj.)

----Petitioners

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)
2. Joint Secretary, Rajasthan Public Service Commission Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)

----Respondents

S.B. Civil Writ Petition No. 9043/2022

1. Bhavna Kumari Daughter Of Shri Hariom, Wife Of Shri Swadesh Kumar Pooniyan, Aged About 33 Years, Resident Of 227-228, Jheelra Road, Jaswant Nagar, Bharatpur (Raj.)
2. Swadesh Kumar Pooniyan Son Of Shri Badan Singh Pooniyan, Aged About 33 Years, Resident Of 227-228, Seelra Road, Jaswant Nagar, Bharatpur (Raj.)

----Petitioners

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)
2. Joint Secretary, Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)

----Respondents





S.B. Civil Writ Petition No. 11131/2022

1. Prakash Son Of Raychand Ram, Aged About 31 Years, Resident Of Punasa, Jalore (Raj.)
2. Rajesh Kumar Son Of Pala Ram, Aged About 29 Years, Resident Of Ward No. 06 Chak 22Ag, 23Ag, Hanumangarh (Raj.)

-----Petitioners

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)
2. Joint Secretary, Rajasthan Public Service Commission, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 10571/2022

1. Girraj Prasad Meena Son Of Shri Ramji Lal Meena, Aged About 35 Years, Resident Of Khivash, Khemawas, Jaipur (Raj.)
2. Indira Daughter Of Shri Raxpal, Wife Of Shri Surendra Kumar Kairwa, Resident Of Shaheed Kansingh Diukya Petrol Pump Ke Paas, Karwa Krishi Farm, Deep Pura, Kuchamancity, Nagaur (Raj.)

-----Petitioners

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)
2. Joint Secretary, Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 9733/2022

1. Hansraj Godara Son Of Shri Sukanaram Godara, Aged About 35 Years, Resident Of Ward No. 11, Lalamdesar Bara, District Bikaner (Raj.)
2. Rajesh Bishnoi Son Of Shri Mangi Lal, Aged About 25 Years, Resident Of Purohitan Bass, Rasisar, District Bikaner (Raj.)
3. Shankar Ram Son Of Shri Mangi Lal, Aged About 31 Years, Resident Of Balau Jati, Barmer (Raj.)

-----Petitioners

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Rpsc Building, Ghooghra Ghati, Ajmer (Raj.)





2. Joint Secretary, Rajasthan Public Service Commission,
Through Its Secretary, Rpsc Building, Ghooghra Ghati,
Ajmer (Raj.)

----Respondents

For Petitioner(s) : Ms. Komal Kumari Giri
Mr. Bajrang Sepat
Mr. Suresh Kumar
For Respondent(s) : Mr. M.F. Baig



HON'BLE MR. JUSTICE INDERJEET SINGH

Order

28/07/2022

1. Since the question raised in these petitions is identical, hence with consent of the parties, these petitions have been heard together and are being decided by the present common order.

2. The prayer made in CWP-No. 9139/2022 reads as under:-

"It is, therefore, most respectfully prayed that your lordship may graciously be pleased to accept and allow this writ petition and -

(i) By issuing writ of mandamus or any other writ order or direction, respondent may kindly be directed to accept online through SSOID/ offline application form of petitioner for the post of School Lecturer under advertisement dated 28.04.2022 and consider the candidature of petitioner for further selection process in the larger interest of justice.

(ii) Issue any other writ order or direction, which this Hon'ble Court deems fit and proper, may kindly be passed in favour of the petitioner.

(iii) Cost of the writ petition be also awarded in favour of the petitioner."



3. Brief facts of the case are that an advertisement dated 28.04.2022 was issued by the respondent-Rajasthan Public Service Commission (hereinafter to be referred as Commission) for holding selection on the post of School Lecturer for various subjects. The last date for submission for application form, as stipulated in the advertisement, was 05.05.2022 to 04.06.2022. A Press Note was also issued notifying the date for conducting the examination.

4. The common grievance raised by the petitioners in the present writ petitions is that the petitioners were very much willing to submit their online application form within the time limit provided by the Commission but the web portal/server of the Commission since was down during 05.05.2022 to 04.06.2022, therefore, petitioners' online applications forms were not accepted online and the examinations notified vide Press Note dated 25.05.2022 are going to be held in near future in which the petitioners will not be allowed to participate by the Commission on account of non-submission of their online application form.

5. Counsel for the petitioners submitted that the petitioners are willing to participate in the selection process initiated by the Commission pursuant to the advertisement dated 28.04.2022 but in absence of their online application form which could not be submitted on account of web portal/server of the Commission being down, for which they are not at fault, the petitioners will not be allowed to participate in the aforesaid examinations. Counsel therefore prayed that the Commission may be directed to accept the





offline application form of the petitioners and allow them to participate in the selection process.

6. Counsel appearing on behalf of the Commission submitted that the procedure for submitting the online application form was clearly stipulated in the advertisement dated 28.04.2022 according to which the last date for submission of the application form was from 05.05.2022 to 04.06.2022 and in this regard counsel for the Commission made a reference of clause-2, 8 & 9 of the column 'selection procedure' incorporated in the advertisement dated 28.04.2022, which reads as under:-

"2. ऑनलाइन आवेदन करने के लिए अभ्यर्थियों को आयोग के ऑनलाइन पोर्टल <https://rpsc.rajasthan.gov.in> पर उपलब्ध Apply online link को Click कर अथवा एस.एस.ओ.(S.S.O) पोर्टल <https://sso.rajasthan.gov.in> से Login कर Citizen Apps (G2C) में उपलब्ध Recruitment Portal का चयन कर One time Registration (OTR) करना होगा। प्रथम बार One Time Registration (OTR) करने हेतु अभ्यर्थी के नाम, पिता के नाम, जन्म तिथि, लिंग, सेकेंडरी /समकक्ष परीक्षा एवं आधार कार्ड / पेन कार्ड / वोट कार्ड / ड्राइविंग लाइसेंस आई.डी. में से किसी एक आई .डी . proof के विवरणों का इन्द्राज एवं document upload करने अनिवार्य होंगे।

8. आवेदक को ऑनलाइन आवेदन करने के पश्चात आवेदन -पत्र क्रमांक आवश्यक रूप से प्राप्त होगा और यदि आवेदन-पत्र क्रमांक (Application I.D.) अंकित या प्राप्त नहीं हुआ हुआ है तो इसका अर्थ यह है कि उसका आवेदन -पत्र जमा नहीं हुआ है। आवेदन पत्र के Preview को आवेदन Submit नहीं माना जायेगा।

9. आवेदन को ऑनलाइन आवेदन करते समय अगर किसी प्रकार की कोई समस्या हो तो Recruitment Portal पर दिए





गए Helpdesk Number या E-Mail पर
संपर्क करें।"

7. Counsel appearing for the Commission made a further
reference of para no.5 of their reply which reads as under :-

"5. That the contents of para No. 6 & 7 of the writ petition are not admitted as stated and replied in the terms that to minimize the human intervention and to save from the process to submit the various applications for the various recruitments by the same candidates one time registration process (OTR) has been introduced by the RPSC in the January, 2021. That after the January, 2022 participants were supposed to registered themselves through one time online registration with the RPSC and through that OTR number they are required to submit their online application form for the particular recruitment for which he is aspirant to participate. That by the press note dated 24.06.2022 only edit in the OTR was permitted by the RPSC from 25.6.2022 to 24.7.2022 otherwise, RPSC not received any information regarding down of server of RPSC. It will be pertinent to mention here that for the post of School Lecturer, 2022 RPSC received total 6,19,118 applications from 05.5.2022 to 04.6.2022. That in the last preceding five days from the last date of submission RPSC received total 1,17,249 online applications and on the last date i.e 04.6.2022, 59,136 online applications were received and similarly 43,277, 33,017, 25,919, 17,900 (total 1,79,249) online applications were received respectively in the preceding dates , as such contention of the petitioner that server of RPSC was down is not correct. Petitioner is not the vigilant person and failed to submit their online application form within stipulation period and approached before Hon'ble Court even after passage of one month after the last cutoff date of online submission i.e.





04.6.2022. That in the last five days, 28.95% applications out of overall. The contention of the petitioner regarding server down is vague and frivolous therefore, writ petition filed by the petitioner deserves to be dismissed on this ground alone. The copy of press note dated 24.06.2022 downloaded through internet is annexed herewith and marked as ANNEXURE-R/1."

8. Counsel for the Commission further submitted that in all they received 6,19,118 applications between 05.05.2022 to 04.06.2022 and in the last preceding five days from 04.06.2022, they received 1,117,249 online applications and on the last date also 59,136 online applications were received and on the strength of this evidence, counsel submitted that it cannot be said that at the relevant time of submission of online application i.e. between 05.05.2022 to 04.06.2022 the web portal/server of the Commission was down.

9. So far as the allegation of the petitioners with regard to non-responding to their e-mail is concerned, counsel for the Commission made a reference of their reply submitted in response to the rejoinder and in para-1 thereof it has been stated as under:-

"That in the head of advertisement it is specifically mentioned that RPSC had invited online application form and at point number 9 that at the time of submission of application form if, any trouble arise candidate can contact with the help desk number and contact through the email which are provided on the **feedback mail of RPSC**. That in the point number 8 it has been specified that after submission of online application form application I.D. would be necessarily received to the applicant and if, it has not been marked or received by the





applicant it is meaning thereby application had not been submitted successfully. That in case, petitioners not received any application I.D. they were supposed to take help or made complaint to RPSC within stipulation period prior to expiry of the last cutoff date i.e. 04.6.2022. That by the I.T. section information has been gathered that none of the petitioners sent their email to the RPSC upto the last cutoff date i.e. 04.6.2022, otherwise, only one petitioner No. 3, namely Amit Panwar sent email on 13.6.2022 with request **to reopen because technical error**. The said email was also forwarded by the said petitioner after the last date i.e. 04.6.2022. That none of the petitioners had submitted their online application form within stipulation period. For kind perusal a tabular is reproduced as under:-

| S N | Name | E mail date | Reason mentioned in e mail |
|-----|---------------------|-------------|--------------------------------|
| 1 | Chain Singh Gurjar | No email | |
| 2 | Mahima Kunwar yadav | No email | |
| 3 | Amit Panwar | 13.6.2022 | Reopen because technical error |
| 4 | Bindu Devi | No email | |
| 5 | Aksh | No email | |
| 6 | Punam Chand Siyag | No email | |

10. Counsel further submitted that as per the report received from the I.T. Department of the Commission none of the petitioners raised any grievance through e-mail within the prescribed time limit.

11. Heard counsel for the parties and perused the record.

12. These writ petitions filed by the petitioners deserve to be dismissed for the reasons; firstly, as per the terms and conditions of the advertisement, a period of one month was



provided by the Commission for submitting the online application form which in my considered view is sufficient time to apply online, therefore, no illegality has been committed by the Commission in not extending the date for submitting the online application form; secondly, the evidence which has come on record, reveals that the petitioners were themselves negligent in not submitting the online application form within the period prescribed in the advertisement for which the Commission cannot be blamed; and lastly, in the facts & circumstances which do not make out a case in favour of the petitioners, I am not inclined to invoke the jurisdiction of this Court under Article 226 of the Constitution of India, interfering in the process initiated by the Commission.

13. In that view of the matter, the writ petitions fail and are hereby dismissed. Copy of this order be placed in each connected file.

(INDERJEET SINGH),J

JYOTI /100-102, 130, 164, 273, 358

सत्यमेव जयते

