



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 7594/2018

Naresh Kumar S/o Shri Bजारंग Lal, Resident Of Village  
Hameerwas Bara, Tehsil Rajgarh, Churu

-----Petitioner

Versus

1. State Of Rajasthan Through The Principal Secretary,  
Development Of Education, Secretariat, Jaipur
2. Director, Secondary Education, Bikaner.
3. Rajasthan Public Service Commission, Ajmer, Through Its  
Secretary.

-----Respondents

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For Petitioner(s) : Mr. Vikas Bijarnia  
For Respondent(s) : Mr. Tarun Joshi with  
Mr. Vikram Singh

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**JUSTICE DINESH MEHTA**  
**Order**

**13/09/2023**

1. By way of the present writ petition, the petitioner has prayed that the condition of the recruitment-notification dated 13.07.2016 to the extent it requires applicants to produce proof of acquiring educational qualification before appearing for written examination, be declared illegal.
2. The facts of the present writ petition do not require time and energy of the Court. The petitioner applied for the post of Teacher Grade – II pursuant to recruitment-notification dated 13.07.2016. Thereafter, he was issued an admit card to appear in the written examination, which was held on 01.07.2017.
3. The requirement of educational qualification for the said post was that a person should possess graduate's degree in concerned subject and a degree or diploma in Education.



4. According to petitioner's own documents, he had obtained a Bachelor Degree in Education on 13.09.2017.

5. It is a settled position of law that if the rules or advertisement is silent, the eligibility of a candidate has to be reckoned on the last date of submitting the application form.

Therefore, a candidate should possess the requisite qualification on the last date of submission of the examination form, if not otherwise provided in the rules or the advertisement.

6. In the instant case, the last date fixed for such purpose has been shifted from the last date of submission of the application form to the date of written examination.

7. The same is not alleged to be contrary to any rules.

8. According to this Court, it is well within the domain of the employer to fix a cut of date for candidates to acquire education qualification to be eligible for participating in the recruitment process, which in the instant case has been fixed as the date of written examination i.e. 01.07.2017.

9. This Court does not find any illegality or arbitrariness in such stipulation or condition of the advertisement.

10. The writ petition is bereft of merit and substance, for which it is hereby dismissed.

11. Stay petition also stands dismissed accordingly.

**(DINESH MEHTA),J**

47-Ramesh/-