



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

S.B. Civil Writ Petition No. 12928/2024

Surendra Kumar Sharma Son Of Shri Govind Prasad Sharma,
Aged About 37 Years, Resident Of Village Nagla Brijlal, Post Kair,
Tehsil Bayana, District Bharatpur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Secondary Education Department,
Through Its Principle Secretary, Govt. Secretariat, Jaipur
(Raj.)
2. Rajasthan Public Service Commission, Through Its
Secretary, Ajmer (Raj.)
3. Director, Education Department, Secondary Education,
Rajasthan Bikaner (Raj.)

-----Respondents

For Petitioner(s) : Mr. Laxmi Kant Sharma
For Respondent(s) : Ms. Namita Parihar, Dy.G.C.
Mr. Shreyansh Jain for
Mr. Amit Lubhaya

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

21/05/2025

1. Heard counsel for both parties and perused the material
available on record.
2. Petitioner applied and participated in the recruitment process
for the post of School Lecturer (Agriculture) against vacancies
notified by the RPSC vide advertisement dated 13.04.2018. The
candidature of petitioner has been cancelled by the RPSC vide
order dated 31.08.2021 (Annex.-11) assigning the reason that
petitioner did not produce the original mark-sheet and degree of
M.Sc. (Agriculture) within the prescribed timeline.
3. Instant civil writ petition has been filed by the petitioner on
20.7.2024, impugning the rejection of his candidature by the
RPSC vide order dated 31.08.2021 i.e. near about a delay of 3



years stating inter alia that the original mark-sheet and degree of M.Sc. (Agriculture) of petitioner was withheld by Dr. Bhimrao Ambedkar University, Agra and same have been released to petitioner in the month of April, 2024. Petitioner has taken resort to the situation of pandemic Covid-19. The prayer of petitioner is that due to such reasons, after quashing the order dated 31.08.2021, his candidature be ordered to be considered on merits for appointment on the post in question.

4. Learned counsel appearing on behalf of RPSC has pointed out that after conducting written examination the process of documents verification started w.e.f. 9.09.2020, for the post in question and petitioner was given opportunity thrice to provide original mark-sheet and degree, vide letters dated 09.09.2020, 07.01.2021 and 25.02.2021. The copy of the letters dated 09.09.2020, 07.01.2021 and 25.02.2021 have been placed on record along with reply as Annexures R/1 to R/3.

The contention of counsel for RPSC is that petitioner has not only suppressed the correct facts but additional fact is that after cancelling the candidature of petitioner vide letter impugned dated 31.08.2021, fresh vacancies have been advertised on 28.04.2022 for the post of School Lecturer. Therefore, in the present the writ petition, which has been filed by the petitioner at belated stage i.e. on 20.07.2024, no relief can be granted to the petitioner.

5. Learned Additional Government Counsel appearing on behalf of State has also filed reply to the writ petition and has opposed the writ petition pointing out that the process of selection, pursuant to advertisement dated 13.04.2018, has completed in the year 2022 itself, before notifying the fresh vacancies under





advertisement dated 28.04.2022, and has prayed to dismiss the writ petition.

6. Having considered the rival submissions of both parties and from perusal of the record, this Court finds that the petitioner has been given ample opportunity by the RPSC vide letters dated 09.09.2020, 07.01.2021 and 25.02.2021 (Annex.-R/1 to R/3) to produce the original mark-sheet and degree of M.Sc. (Agriculture), which is an essential and requisite qualification to consider the candidature of petitioner for appointment on the post in question. The resort sought to be taken by the petitioner, for not providing the original mark-sheet and degree by the University till April, 2024, is due to the situation of pandemic Covid-19. This Court takes judicial notice of the situation of pandemic Covid-19 and finds that the Hon'ble Supreme Court **In Re: Cognizance for Extension of Limitation [(2022) 3 SCC 117]**, granted benefit of limitation to the affected persons for the period from 15.03.2020 to 28.02.2022.

7. For the period, post to February, 2022, no extraneous benefit can be extended to the petitioner. It is matter between petitioner and University for not providing original mark-sheet and degree of M.Sc. (Agriculture) for the reason best known to them. The order of RPSC dated 31.08.2021 can not be faulted on that count.

8. More so, petitioner has not refuted the fact that the recruitment process pursuant to advertisement dated 13.04.2018 had been completed in the year 2022 itself, prior to issuance of fresh advertisement on 28.04.2022.

9. This Court further finds that the writ petition has been filed by the petitioner on 20.07.2024 which is belated by about three





years, from the order impugned dated 31.08.2021, hence, on that count as well, no relief to the petitioner, to consider his candidature on merits, can be granted, at such belated stage.

10. In view of above discussion, it has emerged as an undisputed facts that the petitioner admittedly failed to produce the original mark-sheet and degree of M.Sc. (Agriculture) before the RPSC, during course of the document verification. In absence of providing proof of having the requisite qualification, the RPSC cannot be held to have acted arbitrarily or against the law in cancelling the candidature of petitioner vide order impugned dated 31.08.2021. It is noteworthy that, petitioner has not disclosed in the writ petition that he has been given opportunity by the RPSC thrice vide letters dated 09.09.2020, 07.01.2021 and 25.02.2021, to produce the original mark-sheet and degree. Further petitioner has approached this Court at much belated stage after expiry three years i.e. 2024, whereas selection process is over in 2022 itself.

11. Thus, in overall facts and circumstances, this Court does not find any good reason, to exercise its equitable jurisdiction under Article 226 of the Constitution of India in favour of petitioner for grant of any relief.

12. For reasons discussed hereinabove, instant writ petition is hereby dismissed.

13. Stay application and other pending application(s), if any, stand disposed of.

(SUDESH BANSAL),J

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