



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

D.B. Spl. Appl. Writ No. 528 / 2018

Rajasthan Public Service Commission, Ajmer Through Its
Secretary.

----Appellant

Versus

1. Deepak Bariya Son of Shri Deva Bariya, Aged About 32 Years, Resident of Village Goeka Bariya, Tehsil- Kushalgarh, District- Banswara (Raj.).
2. The State of Rajasthan Through Its Principal Secretary, Department of School & Sanskrit Education, Government of Rajasthan, Secretariat, Jaipur.
3. The Deputy Director, Secondary Education, Division Udaipur, Udaipur.
4. Shri Kailash Bariya Son of Shri Bhura Bariya, Village Bawaliya Pada, Post Bassi, Tehsil Kushalgarh, District Banswara (Raj.)

----Respondents

For Appellant(s) : Mr. Hanuman Singh.

For Respondent(s) : Mr. Ramdev Potalia.

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

07/03/2018

Civil Misc. Application No.292/2018:

1. For the reasons stated in the application delay of 73 days in filing the appeal is condoned.
2. The application is disposed of.

Special Appeal (Writ) No.528/2018:

1. Heard learned counsel for the appellant.
2. Issue which arises for consideration is whether a candidate



who opts for a subject as a compulsory subject in graduation Course would be ineligible in terms of the qualification prescribed by the appellant which states that the candidate should have cleared a Graduation Degree in the concerned subject with English as an optional Subject.

3. The respondents have a graduation degree which shows that he had chosen English as a compulsory paper in the First, Second and Third Year of the three years Graduation Course.

4. It is trite that a rule has to be applied meaningfully and practically. The reason behind a rule needs to be ascertained to give meaning to a Rule.

5. As is known to one and all a person who clears Bachelor of Arts, Graduation Examination can opt for various disciplines such as History, Geography, Political Science, Social Science, English, Hindi, Psychology etc.

6. The University has given option to the candidates to opt for compulsory and optional Subject. The reason is a person desirous of acquiring better knowledge, to say History and Political Science, opts for the two as compulsory Subject and for others as optional subject.

7. The idea behind the rule in question framed by the appellant is to ensure that the candidate concerned has adequate knowledge in the Subject for which the candidate offers candidature to be appointed as a Teacher.

8. Since the respondent have opted for English as a compulsory subject in the graduation Course, the object of the rules is



satisfied. Thus, we find no infirmity in the view taken by the learned Single Judge. The impugned order dated 26.05.2017 is upheld.

9. The writ appeal is dismissed in limine.

(VINIT KUMAR MATHUR)J.

(PRADEEP NANDRAJOG)CJ.

Ashutosh

RAJASTHAN HIGH COURT



सत्यमेव जयते