



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

D.B. Spl. Appl. Writ No. 1373/2019



1. State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director, Elementary Education, Govt. Of Rajasthan, Bikaner.
4. Chief Executive Officer, Chittorgarh, Zila Parishad, Rajsamand.
5. The District Education Officer, Elementary Education, District Rajsamand.

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Versus

Gaya Shri D/o Atar Singh Gautam W/o Sandeep Singh, Aged About 41 Years, 43-A Railway Colony, Rana Pratap Nagar, Udaipur, District Udaipur.

----Respondent

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For Appellant(s) : Mr. Pankaj Sharma, AAG assisted by  
Mr. Rishi Soni  
For Respondent(s) : Mr. Ramdeo Potaliya

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**HON'BLE MR. JUSTICE SANGEET LODHA  
HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**

**Order**

**04/09/2021**

1. This intra-Court appeal is directed against the order dated 26.11.18 passed by this Court, whereby the writ petition preferred



by the appellant challenging the action of the respondents in not considering her candidature for recruitment to the post of Teacher Grade-III (Level-II) in subject Hindi, has been allowed, while relying upon a Bench decision of this Court in State of Rajasthan & Anr. v. Deepak Bariya : D.B.S.A.W. No.598/18, decided on 4.4.18.

It is noticed that as per the advertisement, the eligibility qualification prescribed for appointment on the post of Teacher Grade-III (Level-II) in subject Hindi was as follows :

“B हिन्दी के अध्यापक के लिये, अभ्यर्थी को वैकल्पिक विषय के रूप में हिन्दी विषय के साथ स्नातक या समतुल्य परीक्षा उत्तीर्ण किया हुआ होना चाहिए और आवेदित विषय सहित रीट/आरटेट 60 प्रतिशत अंको के साथ उत्तीर्ण किया हुआ होना चाहिए।”

The candidature of the appellant is not considered only for the reason that she has studied optional subject Hindi in two years of the graduation course and not for three years. It is pertinent to note that as per the advertisement, the candidate having qualification of graduation with optional subject Hindi or equivalent qualification is eligible to be considered for appointment on the said post.

Drawing the attention of this Court to the graduation certificate issued by the Allahabad University, learned counsel for the respondent submitted that in Allahabad University in first and second year of the course, three optional subjects are permitted and in third year, only two optional subjects are permitted.

It is not disputed that the appellant had optional subject Hindi in two years as per the curriculum provided by the Allahabad University.



The eligibility qualification prescribed does not envisage that a candidate must have relevant optional subject in all the three years of course of studies. We cannot read something in the eligibility qualification prescribed, which is not there and therefore, we are not inclined to interfere with the order impugned passed by the learned Single Judge, which is passed following a Bench decision of this court.

The intra-Court appeal is, therefore, dismissed.

**(VINIT KUMAR MATHUR),J**

**(SANGEET LODHA),J**

9-Vij/-



सत्यमेव जयते