

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C) Nos.22460-22462/2008

(From the judgment and order dated 03/07/2007 in DBCWP No.4958/1994 dated 05/07/2007 in DBCWP No.2007/1995, DBCWP No.4138/1995 of The HIGH COURT OF RAJASTHAN AT JODHPUR)

DAVENDRA KUMAR AGRAWAL Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR. Respondent(s)

(With appln(s) for c/delay in filing SLP and exemption from filing O.T. and permission to file affidavit and permission to file addl. grounds and with prayer for interim relief and office report) (FOR FINAL DISPOSAL)

Date: 02/12/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Ms. Kiran Suri, Adv.
Mr. S.J. Amith, Adv.

For Respondent(s) Mr. Surya Kant, Adv.
Ms. Purnima Jauhari, adv.
rr.2 Mr. Parnav Vyas, Adv.
Mr. Neeraj Sharma, Adv.

rr.1 Dr. Manish Singhvi, AAG
Mr. Abhinav Ramkrishna, Adv.
Ms. Pragati Neekhara, Adv.
Mr. R. Gopalakrishnan, Adv.

UPON hearing counsel the Court made the following
O R D E R

Pursuant to our order dated 21st February, 2011,
an additional affidavit has been filed on behalf of the
State by Dr. Sanjay Kumar Singhal, Assistant Professor.

It is stated in the said affidavit that the State is
ready to accommodate the petitioner, namely,

..2/-

: 2 :

Dr. Devendra Kumar Agrawala on the post of Assistant
Professor (Medicine), provided the said appointment
does not lead to any retrospective benefit of seniority
or any monetary gain flowing out of the same. However,
it is stated that the recommendation by the Rajasthan

Public Service Commission with regard to his merit and suitability is a condition precedent for the appointment of the petitioner to the said post.

Learned counsel representing the Rajasthan Public Service Commission states that as per his instructions insofar as the suitability of the petitioner for the said post is concerned, he has been found to be suitable but he cannot be recommended for appointment as in the merit list there were two candidates above him. On a pointed query by the Court, learned counsel is not in a position to answer whether the said two candidates had questioned their non-selection.

In light of the above, we dispose of this petition with a direction that the petitioner shall be appointed as Assistant Professor(Medicine). It is however, clarified that his seniority in the said post shall be reckoned from the date of his appointment. Appointment letter shall be issued within four weeks from today. It is further clarified, he shall not be entitled to any other monetary benefit for the period prior to his date of joining on the said post.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master