HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 1519/2019

1. State of Rajasthan, through Secretary, Rural Development And Panchayati Raj, Secretariat, Jaipur.
2. The Zila Parishad, Hanumangarh through its Chief Executive Officer.
3. The Vikas Adhikari, Panchayat Samiti Bhadra, District Hanumangarh.

----Appellants

Versus

1. Kuldeep Singh S/o Meva Singh, Village and Post Sagda, Tehsil Bhadra, District Hanumangarh, Rajasthan.
2. Virendra Kumar S/o Jai Singh, Village and Post Sadpura, Sidmukh, Tehsil Rajgarh, District Churu, Rajasthan.

----Respondents

Connected With

D.B. Spl. Appl. Writ No. 1549/2019

1. The State of Rajasthan, through the Secretary, Department Of Rural Development and Panchayati Raj, Government Of Rajasthan, Secretariat, Rajasthan, Jaipur.
2. The Zila Parishad, Hanumangarh, through its Chief Executive Officer.
3. The Vikas Adhikari, Panchayat Samiti Bhadra, District Hanumangarh.

----Appellants

Versus

Saurabh Chahar S/o Shri Sant Kumar, resident of Village Dhani Choti, Sidhmukh, Tehsil Rajgarh, District Churu, Rajasthan.

----Respondent

For Appellant(s)	:	Mr. Kuldeep Singh Solanki, AAAG for Mr. I.R. Choudhary, AAG Mr. Jai Pareek, AGC
For Respondent(s)	:	Mr. Deepak

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

13/01/2025

1. Learned counsel for both the parties jointly point out that these appeals are no longer *res-integra* and similar appeals being **D.B. Special Appeal Writ No.13/2020 [State of Rajasthan & Ors. Vs. Ramesh Chandra Regar]** alongwith connected appeal have been dismissed vide order dated 22.11.2021. The order reads as follows: -

> "These appeals are filed by the State of Rajasthan to challenge the common judgment of the learned Single Judge dated 04.04.2019 in S.B. Civil Writ No. 10333/2017 and connected petition.
>
> Briefly stated the facts are that the respondents in these appeals i.e. the original petitioners were appointed as LDCs by the Zila Parishad in 2011 on compassionate ground. They were confirmed in due course. However, a remark was placed in their service book in the year 2016 that they have not passed the type test, therefore their annual increments were withheld. Further, in the seniority list also, a remark was put that the petitioners have not passed the type test. This prompted the petitioners to approach the High Court.
>
> The learned Single Judge overruled the objection of the State Government inter-alia on the grounds that in their appointment orders no such condition of passing the type test within stipulated time was inserted, that the condition of producing certificate of proficiency in computer operation was fulfilled and that the State Government failed to demonstrate that any type test was conducted in which either the petitioners did not appear or failed to pass the same.
>
> Mr. Sunil Beniwal, learned Additional Advocate General candidly stated that since the passing of the impugned order by the Single Judge, both the petitioners have also passed the type test.

In our opinion, no interference is called for. Even if the original petitioners were required to follow the statutory rules and pass the type test whether it was so indicated in the appointment orders or not, such type test had to be conducted by the authorities. If the authorities do not conduct such type test for years together, surely the Government employee cannot be penalized for such inaction on part of the Government, particularly when no such condition of passing the type test was inserted in the appointment order. Additionally, as soon as the opportunity was granted, the petitioners have also proved that they are proficient in typing. For all these reasons, the appeals are not required to be entertained.

In that view of the matter, no purpose would be served in awaiting the service of notice of delay condonation application on the original petitioners.

The appeals as well as the delay condonation applications are dismissed accordingly."

2. These Special Appeal Writs are also **dismissed** in the same terms of order dated 22.11.2021.

3. All pending application, if any, also stand dismissed.

(MUNNURI LAXMAN),J **(DR. PUSHPENDRA SINGH BHATI),J**

6 & 7-Dharmendra Rakhecha/-