



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



D.B. Special Appeal (Writ) No. 742/2023

In

S.B. Civil Writ Petition No.2461/2022

Rajasthan Staff Selection Board (RSSB), Through Its Secretary,
State Agriculture Management Institution Campus, Durgapura,
Jaipur.

-----Appellant-Respondent No.1

Versus

1. Lokesh Kumar Yadav S/o Shri Ghanshyam Lal, Aged About 23 Years, Resident Of Village And Post Shyarouli, Tehsil Wazirpur District Sawaimadhopur (Rajasthan)
-----Respondent-petitioner
2. The Secretary, Public Works Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Deputy Registrar, Rajasthan Technical University, Kota.
4. The Principal, Jaipur Institute Of Technology Group Of Institutions, Near Mahindra World City (SEZ), Ajmer Road, Kalwar Village, Jaipur.

-----Respondents

For Appellant(s) : Mr. Kartikeya Sharma
For Respondent(s) : Mr. MF Baig
Mr. Narendra Kumar Saini
Mr. Sankalp Vijay, AAAG with
Mr. Rohit Tiwari
Mr. Vivek Guwalani and
Mr. Kshitij Jain

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SANGEETA SHARMA
Judgment**

Date of conclusion of arguments : **02/02/2026**
Date on which judgment was reserved : **02/02/2026**
Whether the full judgment or only the operative part is pronounced : **Full judgment**
Date of pronouncement : **5th/02/2026**

**(Per Hon'ble the Acting Chief Justice)**

1. The appellant by way of this appeal assails the order and judgment dated 13.07.2023 passed by the learned Single Judge whereby, the learned Single Judge has directed the appellant-Rajasthan Staff Selection Board to consider candidature of the respondent No.1/writ-petitioner on merits and recommend his name for appointment to the post of Junior Engineer (Civil) subject to document verification and the State has been accordingly, directed to consider him for appointment and grant him all notional benefits of seniority, increment, etc. from the date lesser meritorious candidates were appointed on the post of Junior Engineer (Civil).

2. The brief facts for adjudication of this appeal is that the appellant has advertised for filling up the post of Junior Engineer (Civil) in the Public Works Department through Joint Direct Recruitment Examination, 2020. The advertisement was issued on 03.03.2020 by the appellant and there were total 276 posts advertised for the Public Works Department (hereinafter referred as 'PWD'). The writ petitioner belongs to Schedule Casts (SC) Category and as per Clause-7 of the advertisement, the qualification required was Engineering Degree in the respective subject at graduate level or equivalent. A specific note appended to Clause 7 provided that such candidates can also submit their application form who have entered or going to enter the last year of the requisite academic qualification, but they were required to acquire the requisite academic qualification prior to the examination to be conducted by the appellant.





3. Admittedly, the writ petitioner was appearing in the main examination and he, therefore, applied for the post of Junior Engineer (Civil). The written examination was conducted on 12.09.2021 and result was declared on 23.11.2021 and he scored 101.1416 marks. Vide order dated 05.01.2022, name of the writ petitioner was kept in the provisional candidates list for requirement of clarification about degree completion. It is the case set up by the respondent-writ petitioner that he had joined the Jaipur Institute of Technology for pursuing the Engineering Course in Session 2015-2016 and his final year VIII Semester Examination was for the academic year 2018-2019 and his final result was declared on 31.05.2019 and mark-sheet was also issued on 03.06.2019.

4. However, he had failed to clear the first semester papers and the complete mark-sheet was not issued. Due to Covid-19, the examination for the first year due paper was not conducted and a circular was issued on 04.08.2021 by the Controller of Examination, Rajasthan Technical University, Kota to all concerned Universities/Institutions affiliated to it declaring that the examinations need not be conducted and the candidates who had submitted applications for appearing in the examinations and had deposited fees, would be treated as passed and promoted. Vide another office order dated 03.09.2021, rules regarding eligible examinees and for their promotions were provided. Thus, it was the case of the writ petitioner that he had cleared all the papers and would be treated as promoted before the date of examination, i.e. 12.09.2021. However, the final consolidated mark-sheet was issued on 07.12.2021, resultantly, he was not considered for





selection and candidates having only 99.86 marks were offered appointment from SC Category. The writ petitioner filed the writ petition pointing out that two posts were lying vacant and the petitioner should be treated as eligible and passed the examination before the date of the written examination, i.e. 12.09.2021.

5. The learned Single Judge found that by virtue of the circular dated 04.08.2021, the petitioner would be treated to have passed and cleared the first semester examination and would be treated as promoted to next semester, therefore, he would be treated to have cleared the examination before the cut-off date, i.e. 12.09.2021, the date when the appellant conducted the written test and issuance of the consolidated marks sheet on 07.12.2021, i.e. subsequent to the date of recruitment examination, would be of no significance.

6. Aggrieved of the aforesaid judgment, learned counsel for the appellant submits that the cut off date is sacrosanct for the purpose of assessing the eligibility of a candidate. He has relied on **State of Uttar Pradesh Vs. Vijay Kumar Mishra: (2017) 11 SCC 521, Rakesh Kumar Sharma Vs. State (NCT of Delhi) and Ors.: (2013) 11 SCC 58** and the judgment passed by the High Court of Andhra Pradesh at Amaravati in the case of **Bocha Srinu Babu Vs. B. Mohan and Ors.: 2024 SCC Online AP 5754** in support of his submissions. He further submits that since the consolidated result was declared on 30.10.2021 and consolidated mark-sheet has been issued only on 07.12.2021, the petitioner would be treated to have passed the degree



examination only on that day and not on the day when he passed VIII Semester Examination, i.e. 31.05.2019.

7. We have considered the submissions.

8. In the case of **Rakesh Kumar Sharma Vs. State (NCT of Delhi) and Ors. (supra)**, the Apex Court found that the last date for submission of application form was 29.10.2007 and the requisite qualification was B.Ed. The result of B.Ed examination was declared on 28.01.2008 and writ petitioner therein had been given appointment, however, a show cause notice was served upon him and his services were dispensed with on the ground that he did not possess the qualification on the last date of submission of application form, i.e. 29.10.2007. Upholding the action of the State relying on the judgment passed in the case of **Ashok Kumar Sharma Vs. Chander Shekher, 1993 Supp(2) SCC 611: (1997) 4 SCC 18**, the Court has held as under:

"21. In the instant case, the appellant did not possess the requisite qualification on the last date of submission of the application though he applied representing that he possessed the same. The letter of offer of appointment was issued to him which was provisional and conditional subject to the verification of educational qualification i.e. eligibility, character verification, etc. Clause 11 of the letter of offer of appointment dated 23.2.2009 made it clear that in case character is not certified or he did not possess the qualification, the services will be terminated. The legal proposition that emerges from the settled position of law as enumerated above is that the result of the examination does not relate back to the date of examination. A person would possess qualification only on the date of declaration of the result. Thus, in view of the above, no exception can be taken to the judgment of the High Court."

9. In **State of Uttar Pradesh Vs. Vijay Kumar Mishra (supra)** the position was reiterated as under:





"6. The position is fairly well settled that when a set of eligibility qualifications are prescribed under the rules and an applicant who does not possess the prescribed qualification for the post at the time of submission of application or by the cut-off date, if any, prescribed under the rules or stated in the advertisement, is not eligible to be considered for such post. It is relevant to note here that in the rules or in the advertisement no power was vested in any authority to make any relaxation relating to the prescribed qualification for the post. Therefore, the case of a candidate who did not come within the zone of consideration for the post could not be compared with a candidate who possessed the prescribed qualifications and was considered and appointed to the post. Therefore, the so-called confession made by the officer in the Court that persons having lower merit than the respondent have been appointed as SDI (Basic), having been based on a misconception is wholly irrelevant. The learned Single Judge clearly erred in relying on such a statement for issuing the direction for appointment of the respondent. The Division Bench was equally in error in confirming the judgment of the learned Single Judge. Thus, the judgment of the learned Single Judge as confirmed by the Division Bench is unsustainable and has to be set aside."

10. In **Bocha Srinu Babu Vs. B. Mohan and Ors. (supra)**, the Division Bench of Andhra Pradesh High Court at Amaravati reviewed its earlier order and held as under:

"19. The date of acquisition of qualification, it is settled in law that, in the absence of any rule/regulation to the contrary, would be the date of declaration of result. The issuance of the provisional certificate, degree or diploma, is only the proof of acquisition of such qualification, but the date of issuance is not the date of acquisition of the qualification."

The Division Bench relied on **Rakesh Kumar Sharma Vs. State (NCT of Delhi) and Ors. (supra)**.

11. Having considered the aforesaid law, if we apply the same to the present case, the question arises before us as to what would be the date of declaration of the result of the examination?

12. It has come on record that the Rajasthan Technical University itself issued a letter dated 03.02.2022 and certified that the petitioner had passed his VIII Semester Examination on 31.05.2019 and his mark-sheet was also issued on 03.06.2019. VIII Semester is the final semester of studies. With regard to the





earlier Semester main and back examination, the circular/order was issued on 04.08.2021 and 03.09.2021 declaring the decision taken to promote the students of the University whose due papers could not be conducted due to Covid-19. The petitioner had a due paper of First Semester and it would be, therefore, deemed to have been cleared on 04.08.2021. The consolidated result of the writ petitioner of B.Tech Degree was declared on 30.10.2021, however, such result would be deemed to be from the date the petitioner cleared the VIII Semester Examination, i.e. 31.05.2019 which is before the cut-off date i.e. 12.09.2021 the date of recruitment written test.

13. This Court has to take a pragmatic view while considering the appointment of candidates from the reserved category. A person who is higher meritorious ought not be deprived of his selection on account of University's action of publishing the consolidated result belatedly, although the result had been known much prior to the date of conducting of the recruitment examination. This Court would also take into consideration that prior to August, 2021, there was Covid period.

14. We, therefore, affirm the view taken by the learned Single Judge in the special circumstances noticing the Covid-19 period in the present case and the special appeal (writ) is accordingly, dismissed.

15. All pending application(s) also stand disposed of.

(SANGEETA SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

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