



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

S.B. Civil Writ Petition No. 12386/2020

Anuradha Vyas D/o Shri Bhagwandutt Vyas, Aged About 35
Years, R/o Daga Chowk, Near Narsingh Temple, Bikaner.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, (Secondary Education) Rajasthan, Bikaner
2. The Director , Secondary Education, Rajasthan, Bikaner.
3. The Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan

----Respondents

Connected With

S.B. Civil Writ Petition No. 12084/2020

Kiran D/o Shri Dharmveer Poonia, Aged About 27 Years, R/o
Jaitpura, Tehsil- Rajgarh, District- Churu.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, (Secondary Education) Rajasthan, Bikaner.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

----Respondents

For Petitioner(s) : Mr. M.A. Siddiqui

For Respondent(s) : Mr. Mahesh Thanvi
Mr. Vinit Sanadhya
Mr. Deepak Jangid

JUSTICE DINESH MEHTA

Order

25/03/2021

1. Mr. Mahesh Thanvi, learned counsel appearing for the respondent – Rajasthan Public Service Commission informed that the petitioner Anuradha Vyas (in S.B. Civil Writ Petition No. 12386/2020) has stood first in the merit list, whereas petitioner



Kiran (in S.B. Civil Writ Petition No.12084/2020) is very low (at S.No.136 in the reserved list) in merit list.

2. Be that as it may.

3. Mr. M.A. Siddiqui, learned counsel for the petitioners submitted that the respondents have rejected petitioners' candidature as they have acquired degree of Bachelors of Education from Singhania University, Jhunjhunu.

4. While inviting Court's attention towards the judgment dated 01.02.2018, rendered in *Sunil Bishnoi & Ors. Vs. State of Raj. & Ors.* (S.B. Civil Writ Petition No.8149/2015), which has been affirmed by the Division Bench vide judgment dated 25.05.2018, passed in *Rajasthan Nursing Council Vs. Singhania University & Ors.* (Special Appeal Writ No.671/2018), learned counsel submitted that the issue, as to whether, the degree granted by Singhania University is valid or not, has already been settled in favour of the petitioners and thus, rejection of petitioner's candidature is contrary to law.

5. Mr. Siddiqui, however, pointed out that though the degree involved in aforesaid case of Sunil Bishnoi were that of GNM, whereas the degree in question is B.Ed.

6. It is to be noted that a coordinate Bench of this Court vide its judgment dated 21.02.2018, rendered in bunch of writ petitions led by *Shanti Lal Vs. State of Raj. & Ors.* (S.B. Civil Writ Petition No.9198/2017) has even held that B.Ed degree granted by Singhania University is valid.

7. He thus, submitted that in light of the principles, which have been led down by this Court in the judgment dated 01.02.2018, duly affirmed by the Division Bench on 25.05.2018, so also in



Shanti Lal (supra) the degree obtained by the petitioners namely – B.Ed. by Singhania University is valid.

8. Mr. Mahesh Thanvi, learned counsel for the RPSC was not in a position to dispute the above position of facts and the law. He, however, submitted that an SLP against the Division Bench judgment dated 25.05.2018 is pending consideration before Hon'ble the Apex Court and interim order has been granted.

9. Having regard to the facts and circumstances, the present writ petitions are allowed in terms of the judgment dated 21.02.2018, rendered in *Shanti Lal* (supra).

10. The adjudication made in *Shanti Lal Vs. State of Rajasthan & Ors.* reads thus:-

“As stated earlier, it is not in dispute that the respondent No.3-University is a University established under the statute and, therefore, in view of the law laid down in the above referred cases that a degree, diploma or any qualification awarded by any University, established under the statute, is automatically recognized and needs no recognition by any other authority, there is no hesitation in holding that the respondent No.2-RNC cannot refuse to register the petitioners under the provision of Act of 1964 on the ground that the respondent No.3-University, from which the petitioners have completed GNM and ANM courses, is not recognized by the INC.

Hence, this writ petition is allowed. The respondent No.2-RNC is directed to consider the request of the petitioners expeditiously preferably within a period of two months from the date of production of certified copy of this order, and if the petitioners



are otherwise eligible, necessary registration be granted to them.”

7. After hearing the counsel for the parties and after perusing the record, this Court finds that the precedent law cited by the learned counsel for the petitioner is absolutely covering the present dispute as this Court has held in the aforementioned precedent law that the respondent Singhania University is a University established under the Statute and, therefore, in view of the precedent law, it is automatically recognised and needs no recognition by any other authority and thus, this Court had granted consideration to the petitioners in that case while considering the said education to be recognised. This Court finds that the condition in the advertisement on the face of it requires the qualification to be obtained from any institution recognised by the State of Rajasthan and it is not in dispute that Singhania University has been created by Rajasthan Assembly by virtue of the Singhania University, Pacheri Bari (Jhunjhunu) Act, 2008 and thus, the State of Rajasthan cannot say that its statutory creation is not recognised by the State of Rajasthan.

8. In light of the aforementioned precedent law only, this Court allows these writ petitions and direct the respondents to consider the candidature of the petitioners within a period of two months days from the date of production of certified copy of this order and if the petitioners are otherwise eligible, then appropriate appointment may be granted to them. It is made clear that the petitioners shall not be disqualified on account of having obtained qualification from Singhania University.”



11. Following the judgment aforesaid, the writ petitions are allowed. The respondent – Commission is directed to accord appointment to the petitioners, if they fall in merit and are otherwise eligible.

12. Needful be done within six weeks from today.

13. Stay petitions also stand disposed of accordingly.



(DINESH MEHTA),J



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