



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

S.B. Civil Writ Petition No. 13295/2024

1. Rameshwar Choudhary S/o Shri Jeta Ram Choudhary, Aged About 30 Years, R/o Jato Ka Bas, Dadmi, Tehsil Bhopalgarh, Jodhpur.
2. Vikram Kuri S/o Shri Ram Niwas Kuri, Aged About 35 Years, Resident Of Tehsil Udaipurwati, Ward No. 11, Dhani Kuriyon Ki Pachlangi, Jhunjhunun.
3. Kiran Kumari D/o Shri Surender Singh, Aged About 27 Years, Resident Of Pipal Ka Bas, Ward No. 01, Sonasar, Jhunjhunun.
4. Mukesh Kumar Aichara S/o Shri Ramchandra Aichara, Aged About 30 Years, Resident Of Via Baya, Tehsil Dantaramgarh, Banathala, Sikar.

----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Animal Husbandry, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Rajasthan Public Service Commissione, Ajmer, Through Its Secretary.

----Respondents

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For Petitioner(s) : Mr. Sushil Solanki.  
For Respondent(s) : Mr. I.R. Choudhary, AAG assisted by  
Mr. Pawan Bharti.  
Mr. Tarun Joshi, through VC.

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

**Order**

**Reportable**

**11/09/2024**

Heard learned counsel for the petitioners.

The present writ petition has been filed with a prayer that the respondents may be directed to revise the result of the Physically Handicapped Category for the post of Veterinary Officer



in pursuance of the selection process undertaken by them vide advertisement dated 22.10.2019 and it is also prayed that the petitioners may be granted appointment in the Physically Handicapped Category on the post of Veterinary Officer.

Briefly noted the facts in the present writ petition are that the respondent- Rajasthan Public Service Commission issued an advertisement on 22.10.2019 inviting applications for the post of Veterinary Officer. The petitioners applied for the post of Veterinary Officer considering themselves eligible in all respects. The screening test was conducted by the respondents and 40 marks were allocated for screening test, 20 marks were allocated for academic records and 40 marks were allocated for interview.

The petitioners being handicapped persons having locomotor disability, appeared for documents verification and also completed other formalities. The petitioners were called for interview, but after completion of the process, their names did not find place in the select list issued by the respondent- RPSC. Hence, the present writ petition has been filed.

Learned counsel for the petitioners vehemently argued that the petitioners were not aware of the fact that minimum 45% marks are required to be obtained to qualify for the post of Veterinary Officer in the present selection process. He further submits that the condition of acquiring minimum 45% marks for appointment on the post of Veterinary Officer was not mentioned in the advertisement. He also submits that the rules of game cannot be changed after initiation of the process for recruitment. He further submits that after the present advertisement dated 22.10.2019, in the subsequent advertisements, the respondents



have issued a Press Note prescribing minimum qualifying marks for selection process undertaken by them.

Learned counsel further submits that since in the present case, no such qualifying marks were mentioned in the advertisement, therefore, the respondents cannot disqualify the petitioners on the ground that they have not obtained the minimum qualifying marks. He also submits that in Rule 20 of Rajasthan Animal Husbandry Rules, 1963 (hereinafter refers to as 'the Rule of 1963'), the only word 'suitable' has been used and therefore, the respondent- RPSC was under an obligation to disclose elaborately the criteria to be applied for judging the 'suitability' for selecting the candidates in pursuance of the advertisement dated 22.10.2019.

Learned counsel further submits that no document is placed on record which shows or suggests that minimum 45% marks are required to be obtained by a candidate in the Category of Physically Handicapped in the present selection process. He, therefore, prays that the writ petition may be allowed and the respondents may be directed to consider candidature of the petitioners for the post of Veterinary Officer without adhering to the minimum qualifying marks of 45%.

Per contra, learned counsel for the respondent- RPSC vehemently submits that in the present selection process, the aggregate of the 45% marks has been prescribed taking into consideration the decision of Full Commission. He further submits that earlier for the similar selection, the criteria for judging the suitability of a candidate was only interview, therefore, a decision was taken by Full Commission of the RPSC to allocate certain



marks for screening and for academic record. This decision was taken only to reduce unbridled and unchecked discretion of interview Board by removing arbitrariness and to make the selection process more fair and transparent.

Learned counsel for the respondent- RPSC further submits that minimum marks of 45% in the present selections will be after adding the three components i.e. 40 marks for the Screening Test, 20 marks for the Academics and 40 marks for the interview and if a candidate secures aggregate 45% marks in Physically Handicapped category, only then, he will be shortlisted for the merit list to be prepared for selection on the post of Veterinary Officer.

Learned counsel for the respondents vehemently argued that the respondent- Commission is fully empowered to provide such marking in view of Rule 20 of the Rajasthan Animal Husbandry Rules, 1963, wherein, it has been mentioned that Commission shall prepare a list of candidates whom they consider **suitable** for appointment to the post concerned, as such, respondents have clearly formulated the scheme for fair selection in the matter.

Learned counsel for the respondents also submits that in the advertisement dated 22.10.2019, it was prescribed at the end of the advertisement that for further information, a candidate is required to see the Website of the RPSC, wherein, all the guidelines and instructions have been provided. He further submits that in those instructions, it is very categorically mentioned that in the present selection process, the minimum marks for appointment on the post of Veterinary Officer will be 45% for Physically Handicapped Category as reflected by them in



the documents annexed with their reply. The criteria for obtaining minimum 45% marks was not changed after the selection process was started and the advertisement was issued on 22.10.2019. It was already in existence and reflected on the Website of the RPSC which could have been access/downloaded by the petitioners.

Learned counsel for the respondents also submits that the petitioners have assailed the validity of the selection process after having participated in the same and since they have not been selected, therefore, they have approached this Court by way of filing the present writ petition.

In support of his contentions, learned counsel for the respondents relied upon a judgment of this Court rendered in **S.B. Civil Writ Petition No.5619/2021 (Praveen Kumar Meena Vs. RPSC & Anr.)**, decided on 02.05.2023, wherein, in the almost identical situation, the Coordinate Bench of this Court while dismissing the writ petition of the petitioner has upheld the selection criteria and minimum cut-off marks mentioned by the respondent- Commission. He, therefore, prays that the writ petition may be dismissed.

I have considered the submissions made at the bar and gone through the relevant record of the case.

The respondent- Commission advertised the vacancy for the post of Veterinary Officer vide advertisement dated 22.10.2019 (Annex.1). In the advertisement, at the end, the respondents have mentioned that the other relevant points and other information for the candidate is available on the website of the Commission which can be assessed by the candidate for his knowledge. The question which is relevant for adjudication in the





present case is whether the minimum cut-off marks in the selection process at hand, can be imposed by the Commission or not and whether the same was published/made known by the RPSC before starting the selection process?

The selection criteria adopted in the present case is reflected in the advertisement which shows that out of 100 marks, 40 marks have been kept for Screening test, 20 marks have been kept for Academic Record and 40 marks have been prescribed for interview.

The petitioners were shortlisted in their category for the interview and after the interview, they were not selected as they have not secured the minimum 45% marks. The criteria prescribed for obtaining minimum 45 marks is reflected in the decision of Full Commission, which is placed on record in such circumstances.

The argument of the learned counsel for the petitioners that no minimum marks were prescribed in the present selection process as nothing has been mentioned in the advertisement, is noted to be rejected only on the ground that in the advertisement, it was mentioned that a candidate may get the requisite relevant information as well as guidelines and rules from the Website of RPSC. The decision of Full Commission of RPSC for grant of minimum marks (45%) is available.

The Coordinate Bench of this Court in somewhat in similar circumstances in the case of Praveen Kumar Meena (supra) has held as under:-

“10. It was submitted by Mr. Joshi, learned counsel for the respondent that the Full Commission in its Meeting had decided that wherever the selection is to



be made, a candidate has to secure 50% marks so far as General and O.B.C. candidates are concerned and in case of Scheduled Castes, Scheduled Tribes and other backward Community and physically handicapped it is 45% marks.

11. Having heard learned counsel for the parties, this Court is of the view that petitioner's challenge to the selection criteria is absolutely untenable.

12. The petitioner having appeared in the selection process cannot thereafter challenge the process when he failed to secure requisite marks. The above position has been settled by Honb'le the Supreme Court in **Anupal Singh Vs. State of Uttar Pradesh** (2020) 2 SCC 173 which held that a person having consciously participated in the interview cannot turn around and challenge the selection process.

13. That apart, this Court does not find any illegality or arbitrariness in the action of the respondent – Commission. As a matter of fact, had the Commission proceeded strictly as per Rules 19 and 20 of the Rules of 1962 and selected the candidates on the basis of interview only, it could lead to arbitrariness and would have affected transparency in the selection process. The criteria fixed by the respondent ensures transparency and selection of best candidates.

14. This Court does not find any merit and substance in the present writ petition, for which it is hereby dismissed. 15. The stay application also stands dismissed accordingly."

Further, this Court is of the view that Rule 20 of the Rules of 1963 clearly gives power to the Commission to prepare a list of candidates to whom they consider **suitable** for appointment to the post concerned. For judging the suitability of a candidate, the RPSC has applied certain parameters/procedure for undertaking the selection process. In the present case, since the suitability for a candidate has been adjudged to be minimum 45% marks, the same cannot be said to be arbitrary and unreasonable. It is a settled law that if the parameter/procedure framed by the RPSC or





any other authority is fair and impartial and all the candidates are given the level playing field, then there is no scope for interference by this Court.

In the present case, since the suitability of a candidate was adjudged by the Commission to be a person securing minimum 45% marks does not require any interference by this Court. If the procedure adopted by the respondents is fair and impartial and because of that even if some candidates are adversely affected, the Court may refrain from intervening for larger benefit of the candidates, who have participated in the selection process.

It is also noted that the Rules of selection were not changed for the selection process as they are very much in existence prior to the date of selection on the Website of RPSC, however, non-mentioning of the same in the advertisement will not vitiate the entire selection process.

The contention of learned counsel for the petitioner that in subsequent advertisements, the condition of minimum cut-off marks has been mentioned will not improve the case of the petitioners as the information to that effect was already available on the Website of the RPSC as mentioned in the advertisement dated 22.10.2019.

In view of the discussion made above, this Court is not inclined to grant any relief to the petitioners. The writ petition is therefore, devoid of force and the same is dismissed.

**(VINIT KUMAR MATHUR),J**

53-Shahenshah/-