

**SUPREME COURT OF INDIA**

Rajasthan Public Service Commission

Vs.

Kailash Chandra Jyotishi

C.A.No.9289 of 2017

(Kurian Joseph and R.Banumathi,JJ.,)

19.07.2017

**JUDGMENT**

**Kurian Joseph,J.,**

SLP(Civil)No.28364 of 2015

1. Delay condoned. Leave granted.
2. It is not in dispute that in view of the subsequent developments, the degree obtained by the writ petitioners (pvt. respondents herein) was duly recognised and they had become duly qualified. If that be so, there is a duty cast on the Public Service Commission to consider them for recruitment, as rightly directed by the High Court.
3. It is not the concern of the Public Service Commission as to how the State will accommodate them in respect of the vacancies available or to be created. The duty of the Public Service Commission is only to conduct the recruitment in terms of the request made by the appointing authority. Once the candidates are duly qualified, the Commission is duty bound under law to consider them also for the recruitment and make the appropriate recommendation. The High Court has done only that.
4. It is also to be noted that the State Government has not chosen to file any Special Leave Petition. It is also submitted by the learned counsel that these appeals have been filed as directed by the State Government. We find it difficult to appreciate the stand taken by the State Government.
5. The Public Service Commission is only an agency to make the recruitment. Rest is for the State, therefore, the State cannot bank on the Public Service Commission as far as the appointments are concerned.
6. For all the reasons stated above, we do not find any merit in these appeals which are, accordingly, dismissed.

7. Pending interlocutory applications, if any, stand disposed of.