

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH
AT JAIPUR.**

ORDER

(1) S.B. CIVIL WRIT PETITION NO. 20910/2013

WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 17897/2013

SHAITAN SINGH & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

WITH

(2) S.B. CIVIL WRIT PETITION NO. 6754/2012

PIYUSH SHARMA & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

WITH

(3) S.B. CIVIL WRIT PETITION NO. 20884/2013

WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 17876/2013

PAWAN KUMAR VIJAY & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

DATE OF ORDER : 31.07.2014

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Mr. Piyush Sharma, Petitioner No. 1 (in Writ Petition No. 6754/2012)
present in person.

Mr. Ashok Kumar, O.I.C., present in person for the respondent-RPSC.

BY THE COURT:

These writ petitions have been filed by the petitioners alleging that the respondents have given appointment in excess reservation to female candidates by giving them vertical reservation in spite of horizontal reservation against the post of male candidates in the advertisement. The petitioners have relied upon the decisions rendered by the Hon'ble Supreme Court in the case of Rajesh Kumar Daria Vs. RPSC & Others, (2007) 8 SCC 785 and Anil Kumar Gupta & Others Vs. State of U.P. & Others, (1995) 5 SCC 173 and also the decision rendered by Co-ordinate Bench of this Court on that basis in

the case of Naresh Kumar Sharma & Ors. Vs. State of Rajasthan & Anr.(S.B. Civil Writ Petition No. 3414/2009 decided on 20.09.2011).

These writ petitions have been filed questioning the selections made pursuant to the advertisement issued by the RPSC way back on 02.06.2004. Settled positions cannot be allowed to be unsettled by raking up the old issues. Writ petition in the case of Naresh Kumar Sharma, decision of which the petitioners have placed reliance, was in fact filed in the year 2009. These writ petitions, which have been filed in 2014, suffers from gross delay and laches. If the present writ petitions filed in the year 2014 are entertained on the basis of said order passed in 2009, may be by this Court, then the others may also approach this Court, in the year 2015 and 2016 and so on to revive their stale claims and the process of selection would never attain finality. Even otherwise also, the Single Bench which rendered the decision in the case of Naresh Kumar Sharma(supra) has itself clarified vide order dated 10.04.2013 passed in the case of Jagat Prakash Parashar Vs. State of Rajasthan & Others(S.B. Civil Writ Petition No. 5207/2013 and other connected writ petitions) that the judgment in the case of Naresh Kumar Sharma(supra) would have no application for the recruitment of year 2004 but would be in respect of recruitment of year 2006 for the post of Teacher Grade III (Primary and Upper Primary) only.

In view of above, these writ petitions suffer from gross delay and laches and the same are dismissed as such. Stay applications are also dismissed.

(MOHAMMAD RAFIQ),J.

"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed."

MANOJ NARWANI
Personal Assistant.