

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

S.B. Civil Writ Petition No. 24725/2018

1. Surghan Singh S/o Shridamla Ram Yadav, Aged About 30 Years, R/o Dhanibaldevji Wale, Village Sherpura (Khori), Tehsil - Shahura, District - Jaipur (Rajasthan).
2. Preetiyadav D/o Shribhoop Singh Yadav, Aged About 39 Years, R/o 36 Ka 5, Jyoti Nagar, Near New Vidhansabha, District-Jaipur (Rajasthan).
3. Kantakumari D/o Shrirajkumar, Aged About 25 Years, R/o Village Ramkan, Post Officenaulakhi, Tehsil Rawatsar, District-Hanumangarh (Rajasthan).
4. Praveen Kumar S/o Shrikrishna Kumar, Aged About 26 Years, R/o Village Nangal, Chechika, Post Jaisinghpura, Tehsil Kotputli, District-Jaipur (Rajasthan).
5. Vandananakaler D/o Ram Niwaskaler, Aged About 32 Years, R/o 4/283, Rajasthan Housing Board District-Jhunjhunu (Rajasthan)

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Personnel, Secretariat, Government Of Rajasthan, Jaipur.
2. Rajasthan Public Service Commision, Ajmer Through Its Secretary.

----Respondents

Connected With

S.B. Civil Writ Petition No. 24094/2018

Bhagyashree D/o Banwari Lal Saini, Aged About 29 Years, R/o Maa Mungi Marg, Bypass Road, Gothara, Khetri Nagar, Jhunjhunu, Rajasthan.

----Petitioner

Versus

Rajasthan Public Service Commission Through Its Secretary, Ajmer.

----Respondent

S.B. Civil Writ Petition No. 24632/2018

1. Narendra Kumar Saini S/o Nand Kishor, Aged About 22 Years, R/o 92, Mansagar Colony, Pratap Nagar, Sanganer, Jaipur, Rajasthan.
2. Manoj Kumar Saini S/o Tuhi Ram Saini, Aged About 23 Years, R/o Near G.c.a. School, Ware House Road, Bayana, District Bharatpur, Rajasthan.
3. Rituraj S/o Dhara Singh, Aged About 21 Years, R/o B-7, Bal Nagar, Mahesh Nagar, Jaipur, Rajasthan.
4. Swarupa Ram Soni S/o Sawai Ram Soni, Aged About 24 Years, R/o Vpo Godaron Ki Dhani, Ishrol, District Barmer, Rajasthan.
5. Ram Swaroop S/o Khema Ram, Aged About 23 Years, R/o Bhilon Ki Dhani Kalan, Dhorimanna, Barmer, Rajasthan.
6. Rajya Shree Nehra D/o Mahendra Singh Nehra, Aged About 21 Years, R/o Village Jatwas, Post Hasampur, District Sikar, Rajasthan.

----Petitioners

Versus

Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

----Respondent

S.B. Civil Writ Petition No. 24769/2018

Charanpal Kour D/o Gurjant Singh, Aged About 28 Years, R/o D-122, Krishna Marg, Bapu Nagar, Jaipur, Rajasthan.

----Petitioner

Versus

Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

----Respondent

S.B. Civil Writ Petition No. 24931/2018

Hansha Yadav D/o Shri Girdhari Lal Yadav W/o Mr. Hitesh Yadav, Aged About 34 Years, R/o Plot No. 68, Adarsh Vihar Colony, Near Choudhary Dharam Kanta, Piprali Road, Sikar (Rajasthan)

----Petitioner

Versus

Rajasthan Public Service Commission, Ajmer Through Its Secretary

----Respondent

S.B. Civil Writ Petition No. 25515/2018

Anurag Choudhary S/o Ummed Singh, Aged About 30 Years, R/o 156, Gandhi Path, Girnar Colony (South), Vaishali Nagar Jaipur, Rajasthan

----Petitioner

Versus

Rajasthan Public Service Commission, Through Its Secretary, Ajmer

----Respondent

For Petitioner(s) : Mr. Shovit Jhajharia, Adv.,
Mr. Himanshu Jain, Adv.,
Mr. Ram Pratap Saini, Adv.

For Respondent(s) : Mr. M.S. Singhvi, Advocate General
with Mr. Darsh Pareek, Adv.,
Mr. Shobit Tiwari, Adv.,
Mr. M.F. Baig, Adv.,
Mr. S.S. Raghav, AAG. &
Mr. T.N. Singh, Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

30/06/2020

The present writ petitions have been filed for seeking a direction to include the candidates of OBC amongst successful candidates in Preliminary Examination for Rajasthan Administrative & allied Services 2018 if they secured equivalent or more than 76.06 marks which is qualifying marks for the Open Category Candidates.

The petitioners have also prayed that RPSC be directed to declare the petitioners successful in Preliminary Examination against the posts/vacancies of General/Open Category by including the candidates of OBC who have secured more marks

above Open Category for the purpose of Main Examination and result dated 23.10.2018 is also prayed to be revised.

This Court on 01.12.2018 passed a detailed interim order after hearing counsel for the parties and following interim directions were issued:-

- (i) "All reserved category candidates who without taking benefit of any concession, except on payment of fees, are more meritorious than the last of the open category candidates in the RAS Preliminary Examination 2018 to participate in the main examination be conditionally allowed to participate in the said Main Examination subject to the outcome of the writ petitions. No equity would operate for the petitioners and other like them who write the main examination on the foundation of this interim direction.
- (ii) Result of Main Examination, 2018 for RAS and allied services, to be held on 23.12.2018 onwards, not be declared till further directions/permissions of this Court."

Learned Advocate General appearing for the State has submitted that during pendency of the writ petition, a notification dated 09.06.2020 has been issued by the Department of Personnel for substitution of Rule 15 of the Rajasthan State & Subordinate Services (Direct Recruitment by Combined Competitive Examination) Rules 1999 (hereinafter 'Rules of 1999'). Learned Advocate General submitted that in view of the notification dated 09.06.2020, the grievance of the petitioners, no more survives.

Learned Advocate General submitted that the newly substituted Rule 15 of Rules of 1999 and further amendment of Schedule III has been made effective for the Competitive Examination of 2013, 2016 and 2018. Learned Advocate General submitted that now by virtue of new rule being substituted, the post reserved for respective reserved categories for appearing in the Main Examination, will be including those candidates who have

secured equal or more marks than the cut off marks for General Category in Preliminary Examination for that year and such candidates will be declared successful for appearing in the Main Examination for that year.

Learned Advocate General further submitted that note appended to Schedule III also makes it very clear that for the purpose of this Rule, reserved category means any such category for which reservation either horizontal or vertical, is applicable.

Learned Advocate General submitted that in view of the notification dated 09.06.2020, the grievance raised by the petitioners have been remedied and as such the petitions have become infructuous and no adjudication is required.

Learned Advocate General also submitted that due to interim order passed by this Court on 01.12.2018, the Commission (RPSC) has not been able to proceed further and result of Main Examination 2018 for RAS and allied services, has not been declared and permission/direction of this Court is required to proceed further. The learned Advocate General further submitted that the notification dated 09.06.2020 will be given full effect and as such these petitions may be disposed of in view of the above notification.

सत्यमेव जयते

Learned counsel appearing for the petitioners submitted that the interim order passed by this Court on 01.12.2018 has taken into account the legal position and as such while considering the cases of the present petitioners, direction was given to include them to write Main Examination. Learned counsel submitted that the notification of the State Government though has been issued, however, the same needs to be implemented by the respondents.

This Court finds that the grievance raised by the petitioners is to treat them as General Category, as they have claimed that they have secured more marks than the candidates of General Category in the Examination of 2018.

This Court on perusal of the notification of the State Government dated 09.06.2020 finds that the State Government has decided to amend the Rules and to include the reserved category candidates as General Category Candidates and the same has also been made applicable for Previous Examinations conducted in the year 2013, 2016 and 2018. This Court further finds that the main dispute is of Competitive Examination of 2018 and in view of the notification issued by the State Government, no adjudication is required by this Court.

This Court accordingly disposes of the present writ petitions while observing that the State Government will act according to the notification issued on 09.06.2020. This Court also makes it clear that the interim directions given by this court on 01.12.2018 of not declaring the result of Main RAS Examination 2018 will not come in way of the RPSC and result would be declared now as per scheme of examination of notification dated 09.06.2020.

Accordingly, the present writ petitions stand disposed of.

(ASHOK KUMAR GAUR),J