

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

S.B. Civil Writ Petition No. 379 / 2018

1. Lokendra Kumar Mali S/o Onkar Lal Mali, Aged About 28 Years, R/o Village Nathubedi, Tehsil Pratapgarh, District Pratapgarh, Rajasthan.
2. Devi Lal Meena S/o Shanti Lal, Aged About 28 Years, R/o Village Vanadiya, Post Manohargarh, District Pratapgarh, Rajasthan.
3. Ajit Singh Rao S/o Dashrath Singh Rao, Aged About 23 Years, R/o Ward No. 9, Village Lalpura Pipal Khedi, Kanora, Pratapgarh, Rajasthan.
4. Deepak Kumar Sharma S/o Giriraj Prasad Sharma, Aged About 24 Years, R/o VPO Aandhi, Tehsil Jamwaramgarh, District Jaipur.

----Petitioners

Versus

1. The State of Rajasthan Through Its Home Secretary, Secretariat, Rajasthan, Jaipur.
2. The Director General of Police, Police Headquarter, Rajasthan, Jaipur.
3. The Secretary, Department of Personnel, Government Secretariat, Jaipur, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Ram Pratap Saini

For Respondent(s) :

HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

Order

05/01/2018

At the very outset, learned counsel for the petitioners submits that in somewhat identical controversy, a Coordinate Bench of this Court relying upon earlier opinions of the Single Bench so also the Division Bench allowed the petitioners in SBCWP Number 21330 of 2017 (Om Prakash Gurjar & Ors. Versus State of

Rajasthan & Ors.), to address a representation after affording an opportunity of hearing to the counsel for the State-respondents observing thus:

"Learned counsel for the petitioners have further place reliance on an order dated 10.11.2017 passed in S.B. Civil Writ Petition No.13917/2017, (Kishore Singh Gehlot Vs. State of Rajasthan & Ors.). The Co-ordinate Bench at principal seat Jodhpur, while considering the similar grievance of the candidates like petitioners, has disposed of the writ petition.

Dr. A.S. Khangarot, AAG, counsel for the respondent also submits that the Principal Seat at Jodhpur has passed the order directing the candidates to submit their representation for grant of relaxation in upper age, however, he submits that the direction so given may not be taken as a direction to decide the petitioner's representation for grant of relaxation in upper age limit in a particular manner.

The Principal Seat at Jodhpur, while passing the order dated 10.11.2017 has taken into account the judgment of the Division Bench dated 25.3.2014 passed in D.B. Civil Special Appeal (Writ) No.1151/2013, Rajasthan Public Service Commission Vs. Mahendra Kumar & Ors., wherein the Division Bench has declined to grant benefit of age relaxation and has further set aside the order of Single Bench dated 26.8.2013 granting benefit of the age relaxation.

The Co-ordinate Bench at Jodhpur, considered the judgment dated 3.5.2017 and disposed of the writ petition in the following manner:-

"Looking to the innocuous order passed by the Co-ordinate Bench of this Court at Jaipur, vide its judgment dated 03.05.2017, this Court feels inclined to issue identical directions in the present petition, as



under:-

Therefore, in the interest of justice, each petitioner is granted liberty to make representation to the State Government on the anvil of Rule 46 of Rules of 1989 and other correlated rules applicable to the case of relaxation with regard to the age. It is ordered that in case the representation is filed by the petitioner in individual capacity within two weeks from today, then the State Government shall take decision upon the representation so filed within a period of four weeks, independently without persuaded by any observation made by this Court.

It is further ordered that till the representation to be made by the petitioners is considered by the State Government, the respondent shall accept the application form of the petitioners offline and proceed with the process of recruitment considering the application of each petitioner to be in order.

It is further ordered that till the representation to be made by the petitioners is considered by the State Government, the respondent shall accept the application form of the petitioners offline and proceed with the process of recruitment considering the application of each petitioner to be in order.

It is further clarified that in case the State Government reject the representations of the petitioner or petitioners, candidature of the petitioner/petitioners shall be canceled and they shall be at liberty to assail the decision of the State Government. However, in case the State accepts representation and grant relaxation, the respondents shall proceed ahead with the matter. It is further clarified that the Court has only ordered that till the decision of the representation, application of the petitioners shall be accepted offline without



commenting upon the rights of the State Government to grant or refuse relaxation qua the age of a candidate.”

The present writ petitions are also decided in the same terms as the decided by order dated 10.11.2017 at principal seat Jodhpur.

The respondents are directed to decide petitioner’s representation or take a common decision applicable to all for grant of relaxation in upper age limit, on or before 15.12.2017.

The respondents are directed to accept offline forms (manually) of the petitioners which they are required to give before last date i.e. 21.11.2017.

The direction to decide the petitioners’ representation for grant of relaxation in the upper age limit has been issued with a view to ensure speedy redressal of their grievance and same may not be taken to be a direction to decide the petitioner’s representation for grant of relaxation in upper age limit in a particular manner.

The writ petitions are disposed of accordingly.

A copy of the order be placed in each file.”

Learned counsel further submits that instant writ application be also disposed off in terms of the order in the case of Om Prakash Gurjar & Ors. (supra). Further, the date of submission of off-line application, which was earlier 15th of September, 2016, has now been extended to January, 2018.

Accordingly, the instant writ application stands disposed of in terms of the order in the case of Om Prakash Gurjar & Ors. (supra).

In the result, the respondents are directed to accept offline



application form of the petitioners. The petitioners are required to address a comprehensive representation along with their offline application form.

In that event, the State-respondents are directed to consider and decide the representation of the petitioners in the backdrop of the observations made by the Coordinate Bench of this Court in the case of Om Prakash Gurjar & Ors. (supra).

(VEERENDR SINGH SIRADHANA)J.



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