

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

S.B. Civil Writ Petition No. 3568/2026

Hukma Ram S/o Bhura Ram, Aged About 40 Years, R/o V/o
Mailana, Tehsil Baori, Dist. Jodhpur, Raj. (Roll No. 2328996)

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Secondary Education, Government Of
Rajasthan, Jaipur.
2. The Director, Department Of Secondary Education,
Bikaner, Raj.
3. The Secretary, Rajasthan Public Service Commission,
Ajmer, Raj.
4. The Chief Examination Controller, Rajasthan Public
Service Commission, Ajmer, Raj.

-----Respondents

For Petitioner(s) : Mr. Bharat Devasee

HON'BLE DR. JUSTICE NUPUR BHATI
Order

25/02/2026

1. Learned counsel for the petitioner submits that the petitioner has been declared ineligible on the ground that he has not secured 40% marks in each paper. He submits that, vide notification dated 07.02.2024, the Rajasthan Education (State and Subordinate) Service Rules, 2021 were amended and the requirement of securing a minimum of 40% marks in each paper has been deleted. Learned counsel for the petitioner further submits that, in a similar controversy, a Coordinate Bench of this Court at Jaipur has granted an interim order on 18.07.2025 in SBCWP No. 10703/2025 while issuing notices. The said order is reproduced hereunder:-

1. *It has been submitted that the Rajasthan Education (State and Subordinate) Service Rules, 2021 (for short, 'the Rules of 2021') has been amended vide Notification dated 07.02.2024 and in respect of recruitment on the post of Librarian Gr. II and III, the requirement to secure minimum 40% marks in each paper i.e. paper I and paper II, has been deleted.*
2. *It has been submitted that thereafter Advertisement dated 14.02.2024 has been published, notifying vacancies of Librarian Gr. II. Petitioner has applied for the post under OBC-General (Female) Category. Petitioner has scored total 212 marks in both the papers, which are much higher than aggregate 40%, but in paper-I (General Knowledge), petitioner secured only 39.34% marks.*
3. *Counsel for petitioner submits that in view of amendment to the Rules of 2021, petitioner ought to have been declared passed in written examination and found eligible for consideration on merits.*
4. *Heard.*
5. *Issue notice to respondents of writ petition as also of stay application.*
6. *In the meanwhile, taking into consideration the contentions made hereinabove, it is hereby directed that respondents shall consider the candidature of petitioner provisionally on merits for appointment on the post of Librarian Gr. II, pursuant to the Advertisement dated 14.02.2024, ignoring the requirement of minimum 40% marks in Paper-I.*

2. In view of the above, issue notice to respondents of writ petition as also of stay application.
3. In the meanwhile, it is hereby directed that the respondents shall consider the candidature of the petitioner provisionally on merits for appointment to the post of Senior Teacher (Hindi), pursuant to the advertisement dated 11.12.2024, ignoring the requirement of a minimum of 40% marks in Paper-I (General Knowledge). However, such participation and appointment shall remain subject to the outcome of the writ petition.

(DR.NUPUR BHATI),J