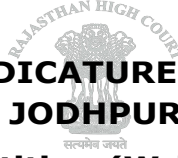




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



S.B. Review Petition (Writ) No. 42/2024

1. Babu Singh Meena S/o Hari Singh Meena, Aged About 49 Years, V.p.o Jog Jewanpur Tehsil Weir District Bharatpur (Raj.).
2. Hukam Singh S/o Anar Singh, Aged About 56 Years, Ward No.26, Mandi Pilibanga, District Hanumangarh (Raj.).

----Petitioners

Versus

1. Gyarsi Lal S/o Shri Mangilal, 4, Shanti Niketan Colony, Badgaon, Bedla Link Road, Udaipur.
2. State Of Rajasthan, Through The Secretary, Gramin Vikas And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Director, Panchayati Raj Department, Government Of Rajasthan, Jaipur.
4. The Chief Executive Officer, Zila Parishad, Udaipur.
5. Rajendra Kumar Sharma, Presently Posted On The Post Of Addl. Vikas Adhikari Zila Parishad, Udaipur.

----Respondents

Connected With

S.B. Review Petition (Writ) No. 37/2023

1. State Of Raj., Through Secretary, Gramin Vikas And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Director, Panchayati Raj Department, Government Of Rajasthan, Jaipur.
3. Chief Executive Officer, Zila Parishad, Udaipur.

----Petitioners

Versus

1. Gyarsi Lal S/o Shri Mangilal, 4, Shanti Niketan Colony, Badgaon, Bedla Link Road, Udaipur.
2. Rajendra Kumar Sharma S/o Shri Jagdish Prasad Sharma, Presently Posted On The Post Of Addl. Vikas Adhikari, Zila Parishad, Udaipur.

----Respondents



For Petitioner(s) : Mr. J.S. Bhaleria.
Mr. Rajendra Prasad, Sr. Adv. &
Advocate General with Mr. I.R.
Choudhary, AAG assisted by
Mr. K.S. Solanki & Mr. Pawan Bharti.

For Respondent(s) : Mr. Rakesh Arora, with
Mr. Naresh Singh.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

J U D G M E N T

24/03/2026

1. The present Writ Review Petitions have been preferred under Article 226 of the Constitution of India challenging the order dated 23.01.2023 passed by this Court in S.B. Civil Writ Petition No.14955/2021 (Gyarsi Lal v. State of Rajasthan & Ors.) whereby the writ petition filed by the petitioner Gyarsi Lal has been allowed.

2. Mr. Rajendra Prasad, Sr. Adv. & Advocate General along with Mr. I.R. Choudhary, learned Additional Advocate General assisted by Mr. K.S. Solanki and Mr. Pawan Bharti, appearing on behalf of the State, have brought to the notice of this Court the impugned order dated 23.01.2023, sought to be reviewed, which, for the sake of ready reference, is reproduced hereinbelow:

“Learned Dy. Government Counsel appearing for the State submits that they have not been able to abide by the rules. It is also contended that they have not been able to do it in accordance with the Rule 24 of the Rajasthan Rural Development & Panchayati Raj State & Subordinate Service Rules, 1998, which requires the respondents to make the fresh merit-list as per the initial merit. Rule 24 of the Rules of 1998 reads as under:-

“24.Recommendations of the Commission/
Appointing Authority: (1) The



Commission/Appointing Authority, as the case may be, shall prepare a list of candidates, whom they/ it consider suitable for appointment to the post or posts concerned, arranged in order of merit and the Commission shall forward the list to the Appointing Authority. (2) The Commission/Appointing Authority, as the case may be, may to the extent of 50% of the advertised vacancies, keep names of suitable candidates on the reserve list. The names of such candidates may, on requisition, be recommended in the order of merit to the Appointing Authority within six months from the date on which the original list is forwarded by the Commission to the Appointing Authority."

In light of the admission made by learned Dy. Government Counsel, the present petition is allowed and the respondents are directed make the fresh merit-list while taking into consideration the Rule 24 of the Rajasthan Rural Development & Panchayati Raj State & Subordinate Service Rules, 1998 strictly in accordance with the initial merit, which has been envisaged in the rule for making the merit-list."

3. Learned Advocate General, at the outset, submits that owing to an inadvertent error, the learned Dy. Government Counsel made an incorrect concession regarding the applicability of Rule 24 of the Rajasthan Rural Development & Panchayati Raj State & Subordinate Service Rules, 1998 (for short, "the Rules of 1998") to the present controversy, despite the said provision having no application to the existing factual matrix. It is contended that the dispute did not pertain to preparation or revision of the merit list, and therefore, its resolution necessitated a detailed hearing on merits. However, the matter came to be decided solely on the basis of the said concession, directing reconsideration of the merit list in terms of Rule 24 of the Rules of 1998.



4. Mr. Rakesh Arora, Learned counsel appearing for the respondents, while submitting that he has substantial arguments on merits, fairly concedes that Rule 24 of the Rules of 1998 is not applicable to the present case. He submits that, instead, the matter would fall within the ambit of Rule 285 of the Rajasthan Panchayati Raj Rules, 1996.

5. In light of the aforesaid submissions, it is evident that the earlier order dated 23.01.2023 was passed on the basis of an incorrect concession by the learned Dy. Government Counsel therein, regarding the applicability of Rule 24 of the Rules of 1998. Consequently, an error apparent on the face of the record has occurred.

6. In view of the foregoing discussion and upon having found that an error apparent on the face of the record exists in the impugned order, the review petitions are allowed. The order dated 23.01.2023 is hereby recalled. The writ petition is restored to its original number and shall be listed before the regular Bench and to be heard strictly in accordance with law. All pending applications, if any, stand disposed of.

(DR.PUSHPENDRA SINGH BHATI),J