

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

D.B. Spl. Appl. Writ No. 807/2024

Rajasthan Employees Selection Board, State Agriculture
Management Campus, Durgapura, Jaipur (Raj.) - 302018
Through Its Chairman.

----Appellant

Versus

1. Kuntesh Kumar Joshi S/o Gajanand Joshi, Aged About 45
Years, R/o Village And Post Bagidora, Post Bagidora,
District Banswara (Raj.)
2. The State Of Rajasthan, Through Principal Secretary Rural
Development And Panchayati Raj Department,
Government Of Rajasthan Secretariat, Jaipur.
3. The State Of Rajasthan, Through The Principal Secretary,
Department Of Education, Government Of Rajasthan,
Secretariat, Jaipur, Rajasthan.
4. The Director, Elementary Education, Bikaner, Rajasthan.

----Respondents

For Appellant(s)	:	Mr. Priyanshu Gopa for Mr. Vinit Sanadhya
For Respondent(s)	:	Mr. B.L Bhati, AAG with Mr. Deepak Chandak Mr. Pawan Singh Mr. Harsh Gupta Mr. Mahendra Kumar Gurjar

**HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE SUNIL BENIWAL**

Order

22/04/2025

Heard.

The appeal is admitted for hearing.

Also heard on prayer for stay.

Learned State counsel would submit that the order of the
learned Single Judge proceeds on the basis of the decision of the

learned Single Judge of this Court dated 11.10.2022 in S.B Civil Writ Petition No. 13347/2017 (*Bheem Singh Udawat & Ors. Vs. The Secreary, The Rajasthan Subordinate And Ministerial Service Selection Board*), whereas the aforesaid order has been assailed by filing an appeal before the Division bench of this Court and on 04.02.2023, the effect and operation of that order has been stayed and subsequently, the application for vacating stay was also rejected on 25.01.2024. Therefore, the entire basis of the order of the learned Single Judge goes. He would further submit that as a matter of fact, a contrary view has already been taken by the Single Judge of this Court in S.B Civil Writ Petition No. 441/2019 (*Hitesh Kumar Sharma Vs. State of Rajasthan & Ors.*) decided on 11.04.2019.

On the other hand, learned counsel for the respondent-caveator would submit that the issue raised in this case has been decided by this Court in D.B. Spl. Appl. Writ No. 1079/2019 (*State of Rajasthan & Ors. Vs. Balram Suthar*) passed on 12.03.2024, wherein this Court has held that the benefit of age relaxation would be available to candidates belonging to OBC in TSP area.

On prima facie consideration, we find that the order passed by the learned Single Judge proceeds on the basis of the order dated 11.10.2022 in the case of *Bheem Singh Udawat(supra)*. However, the aforesaid order has been assailed by filing an appeal and the effect and operation of the said order was stayed and later on application for vacating stay was also rejected by the Division Bench of this Court.

It is the submission of the learned counsel for the appellant that the aforesaid orders were brought to the notice of the learned

Single Judge but the learned Single Judge has ignored to consider the same.

The issue decided by this Court in the case of *Balram Suthar(supra)* relates to the advertisement issued on 06.07.2016. The circular issued by the State subsequently on 26.07.2017 could not have been made a basis to decide the issue. On those factual circumstances and the terms and conditions of the advertisement, applicable rules and circulars existing at the time of issuance of circular dated 06.07.2016 that the judgment of this Court was rendered in the case of *Balram Suthar(supra)*.

On the aforesaid consideration, the operation of the impugned order deserves to be stayed and the same is accordingly stayed.

(SUNIL BENIWAL),J

(MANINDRA MOHAN SHRIVASTAVA),CJ