

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

S.B. Civil Writ Petition No. 13893/2026

CNR: RJHC010633592026

URN: CW / 25317U / 2026

Dr. Nishant S/o Ranvir Singh, Aged About 47 Years, Resident Of 1-D-9, Behind Good Will Eye Hospital, Pawanpuri, Bikaner, At Present Working As Assistant Professor (Psychiatry) (Urgent Temporary Basis), Department Of Psychiatry, S.p. Medical College, Bikaner (Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Medical Education Department, Government Secretariat, Jaipur (Rajasthan).
2. The Secretary, Rajasthan Public Service Commission, Ajmer (Rajasthan).
3. The Director (Medical Education), Medical Education Department, Government Of Rajasthan, Jaipur (Rajasthan).

----Respondents

For Petitioner(s) : Mr. KR Saharan

HON'BLE DR. JUSTICE NUPUR BHATI
Order

08/07/2026

Learned counsel for the petitioner submits that the petitioner had duly mentioned in the application form that he has been serving as an Assistant Professor on an urgent temporary basis since the year 2020, however, the respondents, without taking the said fact into consideration, rejected the petitioner's candidature solely on the ground of being overage. He further submits that the advertisement dated 11.12.2024 (Annexure-6), under Clause 5, provides for relaxation in the upper age limit, in which it has been specifically mentioned that the persons appointed temporarily to a post in the service shall be deemed to be within the age limit, had they been within the age limit when they

were initially appointed even though they have crossed the age limit when they appear finally before the Commission and shall be allowed upto two chances had they been eligible as such at the time of their initial appointment. He further submits that the petitioner was aged 40 years and 11 months at the time when he was appointed on an urgent temporary basis, and thus, he was within the prescribed age limit. He submits that, as per the cut-off date i.e. 01.01.2026 mentioned in the advertisement, the petitioner is presently aged 46 years and 20 days, whereas the upper age limit prescribed therein is 42 years, however, the petitioner is belonged of the OBC category, the petitioner is entitled to a further relaxation of five years in the upper age limit and thus the petitioner exceeds the prescribed age limit only by 20 days. Learned counsel for the petitioner submits that the respondents have failed to take into consideration the fact that the petitioner was within the prescribed age limit at the time of his appointment on an urgent temporary basis and, therefore, he ought to have been extended the benefit of age relaxation as laid down under Clause 5 of the advertisement.

The matter requires consideration.

Issue notice to the respondents. Issue notice of stay petition as well.

In the meanwhile, the respondents are directed to allow the petitioner to participate in the interview for the post of Assistant Professor (Psychiatry), as and when scheduled. However, the petitioner shall not be accorded appointment without the leave of this Court.

(DR.NUPUR BHATI),J