

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

D.B. Spl. Appl. Writ No. 33/2019

1. State Of Rajasthan, Through The Rural Development And Panchayati Raj Department (Panchayati Raj), Government Of Rajasthan, Jaipur.
2. The Zila Parishad, Through The Examination Controller, Chief Executive Officer, Zila Parishad, Pratapgarh.
3. The District Establishment Committee, Pratapgarh.

----Appellants

Versus

1. Shakila Bano Shekh D/o Abdul Aziz Sheikh, W/o Salamat Khan, By Caste Muslim, R/o House No. 1112, Near Secondary School, Kalal Chowk, Khatik Mohalla, Dhariyawad, District- Pratapgarh.
2. Sub Divisional Officer, Dhariyawad Pratapgarh.
3. Tehsildar, Dhariyawad, Pratapgarh.

----Respondents

For Appellant(s) : Mr. Kuldeep Singh Solanki
For Respondent(s) : --

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order

12/02/2026

1. The matter comes upon an application (IA No. 01/2018) filed under Section 5 of the Limitation Act, seeking condonation of delay of 195 days in filing the present appeal.
2. For the reasons indicated in the application (IA No. 01/2018), the same is allowed. The delay in filing the present appeal is hereby condoned.
3. Learned counsel for the appellants submits that the controversy involved in the present appeal is squarely covered by

the judgment passed by a co-ordinate Bench of this Court in **D.B. Special Appeal Writ No.576/2018: State of Rajasthan & Ors. vs. Smt. Twarita Gehlot** and connected matters decided on 04.01.2020, which reads as under:-

"Learned counsel for the respondents has submitted that in view of notification dated 21.10.2019 issued by the Department of Personnel, Government of Rajasthan, amending the definition of candidates of Tribal Sub Plan Area (TSP Area) incorporated in the relevant Rules extending benefit of reservation of women marrying residents of TSP Area w.e.f. 16.06.2013, these Special Appeals preferred by the State Government against the judgment dated 14.12.2017 passed in a bunch of writ petitions have rendered infructuous. It is also submitted that similar Special Appeals No.1554/2018, 1938/2018 and 490/2019, and other similar special appeals have also been dismissed as having become infructuous by Co-ordinate Benches of this Court on different dates.

Learned counsel for the respondents has, therefore, prayed that in view of the above facts and circumstances of the case, these Special Appeals be dismissed as having become infructuous.

Mr M.S.Singhvi, learned Advocate General assisted by Mr Manish Vyas, learned Additional Advocate General though frankly admitted that similar special appeals have already been dismissed as having become infructuous by Co-ordinate Benches of this Court and rightly so because after issuance of the notification dated 21.10.2019, the controversy involved in these Special Appeals came to an end, but has submitted that some of the observations made by the learned Single Judge in the impugned judgment may prove detrimental to the interest of the State in other pending litigations, therefore, the State wants to contest those Special Appeals on that limited point. It is submitted that the learned Single Judge has given a finding in the impugned judgment to the effect that if a lady of another region marries to a person of a particular region, for which certain benefits have been extended, she will also be entitled for all those benefits, which are extended to the residents of that area. It is argued that the observations of this effect made by the learned Single Judge in the impugned judgment are contrary to the principle laid down by Hon'ble Supreme Court in

the decisions rendered in **Valsamma Paul (Mrs.) vs. Cochin University & Ors., (1996) 3 SCC 545, Jayashri Bhaskar Gosavi vs. Vishwanath Krishnath Panke &Ors., (2016) 13 SCC 312** and **Bir Singh vs. Delhi Jal Board &Ors., (2018) 10 SCC 312**, wherein it is specifically held that benefits of reservation cannot be extended to the migrants from other States, where the benefit has been extended to a particular class. Learned Advocate General has, therefore, prayed that the observations of this effect made by the learned Single Judge in the impugned judgment may kindly be set aside or it may be kept open for the State Government to agitate this issue in appropriate cases or it may be observed that observations of the learned Single Judge of this effect may not come in the way of the right of the Government to oppose such claims.

Learned counsel appearing for the respondents has opposed the prayer of the contention made on behalf of the State and has submitted that as a matter of fact in the impugned judgment, no such observations as contended on behalf of the State, has been made and, therefore, the prayer of the State is not liable to be accepted.

Be that as it may, we are of the considered opinion that the controversy involved in these Special Appeals has already been put to rest by issuance of notification by the State Government dated 21.10.2019 and nothing survives in this Special Appeals. Hence, these special appeals preferred on behalf of the State Government against the impugned judgment are dismissed as having become infructuous.

Since we have not decided these appeals on merits, it will be open for the State Government to agitate the observations of the learned Single Judge regarding reservation to migrants in particular area in appropriate cases, if occasions so arise.”

4. In light of the above judgment of Smt. Twarita Gehlot (supra), the present appeal is also dismissed.

(SANDEEP SHAH),J **(DR. PUSHPENDRA SINGH BHATI),J**