

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Review Petition (Writ) No. 76/2026

URN: WRW / 177U / 2026

IN

S.B. Civil Writ Petition No.9703/2023

Kishan Namdev Son Of Shri Rajendra Kumar Namdev, Aged About 27 Years, Resident Of Chhipo Ki Dharamshala Ke Pass, Pasar Mohalla, Ward No. 06, Chhipabarod, District Baran (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Secondary Education Department, Through Its Principal Secretary, Govt. Secretariat, Jaipur (Raj.)
2. Rajasthan Public Service Commissioner, Through Its Secretary, Ajmer (Raj.)
3. Director, Education Department, Secondary Education, Rajasthan Bikaner (Raj.)

-----Respondents

Connected With

S.B. Review Petition (Writ) No. 95/2024

URN: WRW / 124U / 2024

IN

S.B. Civil Writ Petition No.9703/2023

Rajasthan Public Service Commissioner, Through Its Secretary, Ajmer (Raj.).

-----Petitioner

Versus

1. Kishan Namdev Son Of Shri Rajendra Kumar Namdev, Aged About 25 Years, Resident Of Chhipon Ki Dharamshala Ke Pass, Pasar Mohalla, Ward No. 06, Chhipabarod, Baran (Raj.).
2. State Of Rajasthan, Secondary Education Department, Through Its Principle Secretary, Govt. Secretariat, Jaipur (Raj.).
3. Director, Education Department, Secondary Education, Rajasthan Bikaner (Raj.).

-----Respondents

For Petitioner(s) : Mr. Rajesh Kumar Mutha through V.C.
(respondent in SBWRW No.95/2024)
For Respondent(s) : Mr. MF Baig (petitioner in SBWRW
No.95/2024)

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

14/07/2026

1. Petitioner and respondent-Rajasthan Public Service Commission (for short 'RPSC') both have filed separate review petitions, seeking to recall/review the final order dated 22.09.2023 and to restore the S.B. Civil Writ Petition No. 9703/2023 to hear and decide the same on merits.
2. Since there is some delay in filing both the review applications, with the consent of counsel for both the parties, delay is condoned and review applications are being considered on merits.
3. This is a case where writ petitioner approached before this Court raising a grievance to consider his candidature in the category of OBC Non-Creamy Layer (NCL) instead of OBC Creamy Layer (CL) for appointment on the post of School Lecturer (Chemistry), pursuant to advertisement dated 28.04.2022. According to the petitioner, he is a candidate of OBC-NCL and he enclosed certificate to this effect with the writ petition, but inadvertently, in the form, category of OBC-CL came to be filled.
4. Considering the grievance of petitioner, this Court vide interim order dated 05.07.2023, directed respondent-RPSC to consider the candidature of petitioner in the present recruitment

process under the category of OBC-NCL provisionally, subject to final outcome of writ petition.

5. It appears that in pursuance thereof, RPSC considered the candidature of petitioner under OBC-NCL category but kept his final result in sealed cover.

6. In the meanwhile, writ petitioner under a bonafide impression that the RPSC has considered his candidature under the category of OBC-NCL by its own and his grievance, as raised in the writ petition, has been satisfied at the RPSC level, he prayed to withdraw the writ petition, which was permitted vide order dated 22.09.2023 and accordingly, writ petition came to be dismissed as withdrawn.

7. Since the writ petition was not decided on merits and the issue of seeking change of category of petitioner from OBC-CL to OBC-NCL, could not be addressed by the Court, hence, RPSC filed review petition No. 95/2024 to recall the final order of withdrawal of writ petition dated 22.09.2023 and to hear and decide the writ petition on merits to address the issue in question.

8. Thereafter, writ petitioner himself has filed a review petition No. 76/2026, realizing bonafide mistake on his part through erstwhile counsel and prayed to recall the order of withdrawal dated 22.09.2023 so as to argue the writ petition and get decide the issue involved in the writ petition on merits.

9. Having heard counsel for both the parties and taking note of the factual matrix mentioned herein above, this Court *prima facie* finds that the withdrawal of writ petition, by and on behalf of writ petitioner through counsel on 22.09.2023, was under an erroneous pretext. Indeed the issue whether the candidature of

petitioner on merits can be allowed to be converted and considered under the OBC-NCL category instead of OBC-CL was required to be adjudicated and decided on merits in the writ petition. The withdrawal of writ petition, apparently appears to be a bonafide mistake for one or other reason or inadvertently mistake on the part of the then counsel of writ petitioner, which appears to be an error apparent on the face of record. Hence, the final order dated 22.09.2023 is recalled as jointly agreed and prayed by both the parties.

10. Resultantly, file of S.B. Civil Writ Petition No. 9703/2023 stands revived and is restored to its original number and may be listed before the appropriate Bench to hear and decide on merits.

(SUDESH BANSAL),J

RONAK JAIMAN/RIYA/72&73-S