



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

S.B. Civil Writ Petition No. 4847/2026
URN: CW / 10622U / 2026

Mohammad Shakir Son Of Shri Gos Mohammad, Aged About 43
Years, Resident Of Village Kheerwa, Tehsil Laxmangarh, District
Sikar (Raj.)

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Additional Chief Secretary Rural Development And Panchayati Raj Department, Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Director, Social Audit, Accountability And Transparency Society (Ssaat), Room No. 8320, Sso Building, Secretariat, Rajasthan, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Tanveer Ahmed
For Respondent(s)	:	Mr. Prateek Saxena, Mr. Ashutosh Udawat & Mr. Sumit Purohit for Mr. Kapil Prakash Mathur, AAG

HON'BLE MS. JUSTICE REKHA BORANA

Order

30/06/2026

1. The present writ petition has been filed with the following prayers:

"It is, therefore, respectfully prayed that this writ petition may kindly be allowed with costs and this Hon'ble Court may be pleased to issue appropriate writ, order or direction; and

1. By issuing writ, order or direction in the nature thereof thereby, the respondents be directed to issue appointment orders in favour of petitioner on the post Lokpal as per the recommendation made by the Selection Committee vide order dated 21.08.2025.



2. The action of the respondents in cancelling the selection of Lokpal pursuant to advertisement dated 20.02.2025 may kindly be quashed and set aside.

3. By issuing writ, order or direction in the nature thereof thereby, the impugned Advertisement dated 16.12.2025 may kindly be quashed and set aside by which the respondents invited fresh applications from the candidates for the post of Lokpal despite of recommendation of petitioner already made for appointment for same post.

4. Any other appropriate writ, order or direction which this Hon'ble Court deems just and proper on the facts and in the circumstances of the case may also be passed in favour of the Petitioner with cost of the petition."

2. The facts are that vide advertisement dated 20.02.2025, applications for appointment of Lokpal were invited in terms of guidelines dated 20.03.2023. The petitioner applied in pursuance to the said advertisement and after the completion of the selection process, the Selection Committee as constituted in terms of the guidelines, vide order/communication dated 19.08.2025 (Annexure-3), published the panel as prepared by it and invited objections qua the same.

3. The selections as made by the Committee/the Panel as prepared, was kept for approval before the Governing body and in its meeting dated 05.12.2025 (Annexure-5), the Governing body approved the panel as prepared by the Selection Committee and directed for appointment of the selected persons. It specifically directed for issuance of appointment orders qua 19 Districts for which the Selection Committee had finalised the panel and directed for initiating the process qua the remaining four districts.

4. However, no appointment order was issued in pursuance to directions dated 05.12.2025, rather, a fresh advertisement dated 16.12.2025 (Annexure-7) was issued whereby applications were invited even for the District of Churu for which the petitioner had



already been selected. Aggrieved, the present petition has been preferred by the petitioner.

5. Counsel for the petitioner submits that no objection qua the panel as prepared by the Selection Committee was raised by any person. Neither was it put to challenge by any person nor was the selection as made by the Committee ever cancelled by any competent authority. Despite the same, no appointment order has been issued in favour of the petitioner and now the respondents have proceeded on to issue the fresh advertisement which is totally arbitrary.

6. A reply to the writ petition has been filed on behalf of the respondents. However, not a single averment has been made in the reply as to why the appointment order has not been issued in favour of the petitioner despite he having been selected by the competent Selection Committee. It is not the averment of the respondents that the selections as made by the Selection Committee were bad or the panel as prepared by the Committee comprised of ineligible persons. The only ground raised in the writ petition is that it is the discretion of the State whether to appoint the selected persons or not, and the petitioner has no indefeasible or vested right to claim to be appointed. It is the administrative decision of the State which is not amenable to judicial scrutiny.

7. So far as the issuance of fresh advertisement is concerned, although no averment qua the same has been made in the reply, Counsel has today placed on record communication dated 05.12.2025 of the concerned Minister whereby 8 persons from the Panel as prepared by the Selection Committee were directed to be appointed and a direction to issue a fresh advertisement for the



districts as mentioned therein, including the district of Churu, was given.

8. Counsel for the respondents submits that the fresh advertisement has been issued in pursuance to the above direction of the concerned Minister and the same is totally within the domain of the State Authorities. Counsel however, could not substantiate the said ground by any provisions of law/guideline.

9. After hearing the counsels and perusing the complete record, this Court is of the clear opinion that the issuance of fresh advertisement by the State Authorities without cancelling the earlier process or the earlier select list/panel as prepared by the competent Selection Committee, is bad in the eyes of law. The State Authority is under an obligation to act within the domain and purview of law. It is not the case of the State that the process undertaken by the Selection Committee was *malafide* or in contravention to any provision of the guidelines.

10. When the selection process was in total conformity with law and the same has never been cancelled by any competent authority, the non-issuance of appointment order in favour of the persons so selected, does call for a judicial scrutiny. A mere direction of a Minister to initiate a fresh selection process without assigning any reason as to why the earlier process is not to be complied with, is totally arbitrary.

11. Dealing with an almost akin situation, this Court in ***S.B. Civil Writ Petition No.10038/2025; Abhishek Mirdha vs. State of Rajasthan & Ors.*** (decided on 16.07.2025) observed and held as under:



"15. As observed by the Hon'ble Apex Court in the case of **(Chandramohan Nair Vs. George Joseph); (2010) 12 SCC 687;** although the State Government is not bound to accept the recommendations made by the Selection Committee but if it does not want to accept the recommendations, reasons for doing so have to be recorded. **The State Government cannot arbitrarily ignore or reject the recommendations of the Selection Committee.**

16. Therein, the Court further held that if the appointments made by the State Government is subject to judicial scrutiny, the State Government is duty bound to produce the relevant records including recommendation of the Selection Committee before the Court to show that there were valid reasons for not accepting the recommendations.

17. Applying the above ratio to the present matter, there is not a whisper of any averment to the effect that there was any material available with the State Government so as to doubt the integrity or credibility of the petitioner. **The complete reply of the State is on the sole ground that the discretionary power not to accept the recommendations lies with it and hence, it chose not to do so. No reason as to why the recommendations pertaining to some of the candidates were not accepted by the State Government has been assigned.**

18. As observed by the Co-Ordinate Bench of this Court in Kedar Lal Gupta's case (supra), exercise of discretionary power must be on relevant and objective criteria rather than on personal preferences, biases or prejudices.

19. In the specific opinion of this Court, the act of the State Government in completely ignoring the recommendations of the Selection Committee without assigning any reason whatsoever, is on the face of it, arbitrary and discriminatory. In absence of any logical reason for not accepting the recommendation of the Selection Committee, the act of the State Government cannot be termed to be in consonance with law and rationality"

12. This Court, while reiterating the above position of law, is of the considered opinion that once the State Government took up the selection process in terms of law, it is duty bound to comply with the procedure as prescribed under law. The action of the State Government being arbitrary and discriminatory, does



deserve interference by this Court. Advertisement dated 16.12.2025 (Annexure-7) is hence, hereby quashed and set aside to the extent of District Churu. The writ petition stands **allowed**. The respondents are directed to issue appointment order in favour of the present petitioner within a period of three weeks from the date of receipt of the present order.

13. Stay petition and pending applications, if any, stand **disposed of**.

(REKHA BORANA),J