

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Special Appeal (Writ) No. 301/2026

in

S. B. Civil Writ Petition No. 1678/2026

Rekha Rathore D/o Shri Bhairu Lal Rathore W/o Sunny Nigam,
Aged About 37 Years, Resident Of Nearby Old Kotwali,
Mangalpura, Jhalawar, Rajasthan, Pincode-326001.

----Appellant/Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Skill Planning And Entrepreneurship, Government Secretariat, Jaipur, Rajasthan
2. The Director, Directorate Of Technical Education (Training), W-6, Gaurav Path, Residency Road, Jodhpur, Rajasthan-342032
3. The Deputy Director (Training), Industrial Training Institute, Jhalawar, RIICO Industrial Area, Jhalawar, Rajasthan
4. Principal/Superintendent, Industrial Training Institute, Jhalawar, RIICO Industrial Area, Jhalawar, Rajasthan

---Respondents

5. Hina Sharam D/o Shri Prem Shankar Mishra W/o Vipul Sharma, Aged About 34 Years, Resident Of Near BSNL Office, Surajpol Naka, Jhalrapatan, Jhalawar, Rajasthan, Presently Working As Guest Instructor (COPA)

----Private Respondent

For Appellant(s) : Mr. Bhawani S. Saini
Mr. Tanmay Sharma
Mr. Rajayan Singh
Mr. Deepak Verma

For Respondent(s) :

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BIPIN GUPTA

Order

08/05/2026

1. The present special appeal writ has been preferred assailing the order dated 28.01.2026, passed by learned Single Judge, whereby the writ petition filed by the petitioner-appellant herein was dismissed on the ground that regularly selected candidates have been made available and the condition for appointment was that if regularly selected candidates are made available, the petitioner will have to give way to them.
2. It is further the case of the petitioner-appellant that apart from the appellant, respondent No. 5 was also selected as Guest Instructor. However, respondent No. 5 was placed at Rank No. 1 in ranking whereas the petitioner-appellant was placed at Rank No. 2 and following the merit, her services were terminated while respondent No. 5 has been retained against the vacant post. Learned counsel for the appellant thus submits that the ranking given to respondent No. 5 was wrongful at the time of initial selection.
3. Heard, learned counsel for the petitioner-appellant.
4. We find that the challenge to the ranking in the order of the selection is highly belated. After having joined the services without any demur ranking on the basis of ranking, now merely because the services have been dispensed with on availability of regular appointee, we cannot turn around the challenge to the ranking after her having worked on the basis of rank. Even though services have been dispensed with; we observe that if in future any post is created, the petitioner will have a right to seek appointment on the vacant post as Guest Instructor.
5. Accordingly, the present special appeal writ is dismissed



6. All pending application stand disposed of.

(BIPIN GUPTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

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