

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 4637/2025
URN: CW / 11624U / 2025

Manoj Kumar Sharma S/o Om Prakash Sharma

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

D.B. Civil Writ Petition No. 6985/2025
URN: CW / 16186U / 2025

Khemraj Bairwa S/o Mangi Lal Bairwa

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Harendar Neel.
For Respondent(s)	:	Mr. G.S. Gill, AAG assisted by Ms. Shikha Sharma. Mr. Yash Joshi on behalf of Mr. Vigyan Shah, AAG. Mr. Raghu Nandan Sharma. Mr. M.F. Baig. Mr. Ashindra Gautam. Mr. Ayush Bansal on behalf of Mr. Ashok Bansal.

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA
Order

21/07/2026

In Applications No.02/2026 & 03/2026:-

1. Heard on the Applications filed by the private respondents for seeking vacation of the interim order dated 03.07.2025.
2. By way of the present writ petitions, the petitioners have challenged the notification dated 25.02.2025 whereby Rule 25(2) of the Rajasthan Sanskrit Education (Collegiate Branch) Service Rules, 2022 was amended. The amended Rule reads as under:-

"Amendment of Rule 25:- The existing sub-rule (2) of Rule 25 of the Rajasthan Sanskrit Education (Collegiate Branch) Service Rule 2022, hereinafter referred to as the said rules, shall be deemed to have substituted, with effect from 11-10-2022, by the following, namely:-

"(2) The Commission shall not recommended any candidate who has failed to obtain a minimum of 36% marks in each paper and 40% marks in aggregate of written examination."

3. Counsel appearing for the private respondents submits that on account of the interim order passed by this Court, the recruitment process is stalled and the rights of the private respondents including that of a large number of candidates who have otherwise become entitled for consideration are being adversely affected, therefore the interim order dated 03.7.2025 be vacated.

4. Mr. G.S. Gill, learned Additional Advocate General, appearing for the State and Mr. M.F. Baig, learned counsel appearing for the Rajasthan Public Service Commission submitted that the notification dated 25.02.2025 is merely clarificatory in nature. They further submitted that the original provision contained an inadvertent typographical error, which has been corrected by the impugned notification with retrospective effect from 11.10.2022.

5. On the other hand, learned counsel appearing on behalf of the petitioners submits that the impugned amendment has been introduced during the pendency of the recruitment process, which had commenced pursuant to the advertisement dated 12.01.2024 for recruitment to the post of Assistant Professor. At the time of issuance of the advertisement, Rule 25(2) provided as under:-

"Scheme and Syllabus of Examination:-

(1) The written examination and interview for direct recruitment to the post in the service shall be conducted by the Commission as per the Scheme specified in Schedule-II.

(2) The Commission shall not recommend any candidate who has failed to obtain a minimum of 40% marks in each paper and 36% marks in aggregate of written examination.

6. Learned counsel for the petitioners further submits that alteration of the eligibility criteria after commencement of the selection process is impermissible in law.

7. We have heard learned counsel for the parties and carefully perused the material available on record.

8. A comparative reading of the original Rule 25(2) and the amended Rule indicates that the impugned notification seeks to rectify the apparent inconsistency in prescribing the qualifying criteria. Prima facie, the amendment appears to be clarificatory in nature and intended to remove an inadvertent drafting error rather than to introduce any substantive change in the eligibility conditions.

9. At this interlocutory stage, this Court is not required to finally adjudicate upon the validity of the impugned notification which itself is under challenge in the present petitions and quashing thereof is the final relief claimed herein, which shall be examined at the time of final hearing. However, in the facts and circumstances, at this stage looking to the fact that keeping the selection process stalled would adversely affect a large number of candidates and allowing the selection process to continue will not cause any irreparable prejudice to the petitioners as whatever rights they have are subject to final outcome of the writ petition

and will be considered at the time of final hearing. Therefore, we consider it appropriate to direct the respondents to continue with the selection process.

9. In view of the aforesaid, the interim order dated 03.07.2025 is vacated and the Applications No. 02/2026 & 03/2026 are allowed accordingly.

IN D.B. Civil Writ Petition No. 4637/2025 & 6985/2025:-

1. Heard.
2. Admit.
3. List these matters for hearing.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J