

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 4637/2025

Manoj Kumar Sharma S/o Om Prakash Sharma & Ors.

-----Petitioners

Versus

State Of Rajasthan & Ors.

-----Respondents

For Petitioner(s)	:	Mr. Harendar Neel
For Respondent(s)	:	Mr. G.S. Gill, AAG with Ms. Shikha Sharma Mr. Mirza Faisal Baig Mr. Sankalp Vijay for Mr. Vigyan Shah, AAG

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI

Order

03/07/2025

Admit.

Learned counsel for the respondents are granted further time of four weeks to file return.

Two weeks' further time is granted to file rejoinder.

On 02.04.2025, this Court had passed an interim order that respondents shall not hold interview without leave of the Court.

Mr. G.S. Gill, learned Additional Advocate General would submit that taking into consideration the nature of grounds which have been raised before this Court and that the challenge is only to the retrospectivity aspect of the rules impugned in this petition, they may be permitted to proceed with the recruitment on the basis of the rules which were in force on the date of the advertisement i.e. 12.01.2024. He reserves his right to oppose the

relief sought in the petition at the time of final hearing of the petition.

Taking into consideration the aforesaid submission and that allowing the respondents to proceed with the recruitment would be consistent with the settled principle that the rules applicable on the date of advertisement alone would govern the process of recruitment and that cannot be changed during the currency of advertisement, as held by the Supreme Court in the case of **Tej Prakash Pathak & Ors. vs. Rajasthan High Court & Ors.- (2025)2 SCC 1**, we are inclined to stay the effect and operation of impugned rule only to the extent it gives retrospectivity in the matters of direct recruitment. Resultantly, the respondents should proceed to complete the process of recruitment in accordance with the rules which were in force on the date of advertisement. However, appointments would be subject to final outcome of the writ petition.

List after eight weeks.

(CHANDRA PRAKASH SHRIMALI),J

(MANINDRA MOHAN SHRIVASTAVA),CJ