

RAJASTHAN HIGH COURT

  
सत्यमेव जयते

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

S.B. Civil Writ Petition No. 5883/2023

Sohan Lal S/o Mahadev

-----Petitioner

Versus

The State Of Rajasthan & Ors.

-----Respondents

Connected with

S.B. Civil Writ Petition No. 5892/2023

Govind Ram S/o Shri Sewa Ram

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 5901/2023

Subhash Mahala S/o Shri Mahadeva Ram

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 6072/2023

Dayaram Choudhary Son Of Shri Kailash Chand

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

S.B. Civil Writ Petition No. 6096/2023

Tejram S/o Shri Sumer Singh

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

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For Petitioner(s) : Mr. R.N. Mathur Sr. Adv. with  
Mr. Shovit Jhajharia  
Mr. Madan Mohan Mehrishi  
Mr. Shobit Tiwari  
Mr. Ashok Bansal  
Mr. Tanveer Ahamad

For Respondent(s) :

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**HON'BLE MR. JUSTICE SUDESH BANSAL**

**Order**

**19/04/2023**

In these writ petitions, challenge has been made to orders dated 27.03.2023, whereby and whereunder respondents have re-determined the year-wise vacancies from the year 2009-10 to 2017-18 for the purpose of considering the candidates for promotion from the post of Constable to Head Constable, Head Constable to Assistant Sub Inspector, Assistant Sub Inspector to Sub Inspector and Sub Inspector to Inspector.

It has been stated that re-determination of vacancies is arbitrary, dehors to the Rajasthan Police Subordinate Service Rules, 1989 and such orders are merely an eyewash, passed in the name of making compliance of the judgment dated 27.09.2022, passed by the High Court in **SBCWP No.5926/2022: State of Rajasthan Vs. Krishna Kumar**, but in fact petitioners have been put on disadvantageous position than their previous position and further without according promotion to petitioners for their respective posts, for the year of maturity of their promotion, respondents are inclined to proceed to fill vacancies by promoting juniors, for which qualifying test to promote candidates in pursuance to impugned orders, have also been pronounced. If the qualifying test is conducted, third party rights would be created and promotion avenues of petitioners would adversely affected, which is violative to their legal & constitutional rights.

Heard.

Let notices be issued to respondents of writ petition as also of stay application.

In the meanwhile, implementation of impugned orders dated 27.03.2023 shall remain stayed and no qualifying test for promotion on the respective posts pursuant to impugned orders shall be ensued.

**(SUDESH BANSAL),J**

NITIN /38, 41, 42, 48, 49