

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 228/2023

Manoj Sharma S/o Murari Lal Sharma

-----Appellant

Versus

State Of Rajasthan

-----Respondent

Connected With

1. D.B. Special Appeal Writ No. 230/2023
2. D.B. Special Appeal Writ No. 236/2023
3. D.B. Special Appeal Writ No. 242/2023
4. D.B. Special Appeal Writ No. 244/2023
5. D.B. Special Appeal Writ No. 247/2023
6. D.B. Special Appeal Writ No. 251/2023
7. D.B. Special Appeal Writ No. 256/2023
8. D.B. Special Appeal Writ No. 257/2023
9. D.B. Special Appeal Writ No. 258/2023
10. D.B. Special Appeal Writ No. 273/2023
11. D.B. Special Appeal Writ No. 281/2023
12. D.B. Special Appeal Writ No. 286/2023
13. D.B. Special Appeal Writ No. 292/2023
14. D.B. Special Appeal Writ No. 322/2023
15. D.B. Special Appeal Writ No. 382/2023
16. D.B. Special Appeal Writ No. 450/2023
17. D.B. Special Appeal Writ No. 463/2023
18. D.B. Special Appeal Writ No. 469/2023
19. D.B. Special Appeal Writ No. 532/2023
20. D.B. Special Appeal Writ No. 927/2023

For Appellant(s)	:	Mr. RN Mathur, Sr. Adv. assisted by Mr. Akshit Gupta Mr. Bharat Vyas, Sr. Adv. assisted by Ms. Niti Jain Bhandari Dr. TN Sharma Mr. Zaid Ul Haq for Mr. Tanveer Ahamad Mr. Himanshu Jain Mr. Satya Prakash Soni for Mr. Ajatshatru Mina
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Mr. Atul Bhardwaj
For Respondent(s) : Mr. AK Sharma, Sr. Adv. assisted by
Mr. Rachit Sharma
Mr. Ashwinee Kumar Jaiman
Mr. Arpit Jain for
Mr. Nalin G. Narain
Mr. Arihant Samdaria
Mr. Munesh Bhardwaj
Mr. MF Baig

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

21/09/2024

1. These appeals have been listed before this Bench as applications for modification of the order dated 13.04.2023 passed by this Court have been made in D.B. Special Appeal Writ Nos.244/2023, 256/2023 & 292/2023.
2. Learned counsel appearing for the applicants would submit that irrespective of the result of the appeals, those diploma holders who are able to secure place in the order of merit prepared including diploma/degree holders would be entitled to appointment and, therefore, the interim order which has been passed by this Court, may be modified to the extent of issuance of appropriate directions for preparing merit list and then proceed to make appointment of diploma holders on the basis of their merit position in that list.
3. On the other hand, learned counsel for the appellants would submit that preparation of a fresh list on the basis of an interim order would virtually amount to finally deciding the case and would create further complications.

4. Learned counsel appearing for the Rajasthan Staff Selection Board would submit that initially an application for modification was also filed by them, but later on the same was withdrawn. He would further submit that the prayer made by learned counsel for seeking modification may be appropriately considered and directions may be issued.

5. We are of the view that any direction to prepare a fresh select list would amount to virtually allowing these appeals and it will create a situation where on the basis of a list prepared on the *prima facie* consideration of this Court vide order dated 13.04.2023, becomes the basis for issuance of appointment order to one class of selected candidates, who are possessed of diploma. This, in our opinion, may create some complications, therefore, we are not inclined to modify the order.

6. Accordingly, the applications for modifications filed in D.B. Special Appeal Writ Nos.244/2023, 256/2023 & 292/2023 are rejected. We would however, clarify that various aspects may be considered while considering the application for vacating stay and it will be open to pass appropriate orders while considering the application for vacating stay.

7. Let the matters be listed before regular Bench.

8. A copy of the order be placed in each connected file.

(ANIL KUMAR UPMAN),J

(MANINDRA MOHAN SHRIVASTAVA),CJ