

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 487/2025

Upendra Singh Jadoun S/o Sh. Prem Pal Singh, Aged About 40
Years, R/o G-774, Gandhi Nagar, Tonk Road, Jaipur

----Appellant

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of General Administration (Group-Ii),
Rajasthan Government Secretariat, Jaipur.
2. Dr. Raj Kumar S/o Shri Ghasi Lal Yadav, Aged About 59
Years, At Present Serving As Senior Professor, Cardio-
Thorasic Surgery, S.m.s. Hospital, Jaipur, R/o Government
Quarter- Ii/51, Gandhi Nagar, Jaipur (Rajasthan)
3. Shri Lekhraj Toshawada, Joint Administrative Secretary,
Office Of Chief Minister, Government Of Rajasthan,
Government Secretariat, Jaipur

----Respondents

For Appellant(s)	:	Mr. Sunil Samdariya Mr. Arihant Samdaria
For Respondent(s)	:	Mr. G.S. Gill, AAG with Ms. Shikha Sharma, AAAG Ms. Jamila Khan

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE RAVI CHIRANIA
Order

23/02/2026

This appeal has been filed by the appellant challenging the orders dated 24.04.2025 and 29.04.2025 passed by the learned Single Judge of this Court in S.B. Civil Writ Petition No. 25905/2018.

On 13.05.2025, while issuing notices to the respondents, this Court passed the following order:

“Heard.

Issue notice to the respondents.

Ms. Shikha Sharma, associate of Mr. G.S. Gill, AAG enters appearance and takes notice on behalf of respondent No.1.

Heard on prayer for stay.

Learned counsel for the appellant would submit that even though the writ petition rendered infructuous and the lis brought before the Court by way of writ petition came to an end, learned Single Judge has assumed jurisdiction on an issue which could be taken up only by way of PIL by appropriate Bench and on a complaint made by one Ms. Yogita Bishnoi, as also assumed jurisdiction as if the petition before the Court was in the nature of criminal writ petition and directed issuance of bailable warrant followed by an order of registration of FIR which is against the Hon'ble Supreme Court verdict given in the cases of **M. Subramaniam and Another vs. S. Janaki and Another- (2020) 16 Supreme Court Cases 728, Bharat Amratlal Kothari and Anr. vs. Dosukhan Samadkhan Sindhi And Ors.- (2010) 1 Supreme Court Cases 234, Akella Lalitha vs. Konda Hanumantha Rao and Anr.-2022 SCC Online SC 928, Ambalal Parihar vs. State of Rajasthan & Ors.- (2023) 15 S.C.R. 213 & State of Uttar Pradesh and Ors. vs. Anil Kumar Sharma & Anr. (2015) 6 Supreme Court Cases 716** and further that the petitioner-appellant is being subjected to a criminal trial, it is directed that effect and operation of impugned order shall remain stayed. Moreover, taking into consideration the nature of grounds urged in the appeal, we are inclined to stay further proceedings in the pending case till the next date of hearing.

List the matter after four weeks after reflecting the name of Mr. G.S. Gill, AAG in the cause list as counsel for the respondent No.1-State. "

Learned counsel for the petitioner submits that the learned Single Judge had exceeded jurisdiction while issuing certain directions in the matter and had assumed the jurisdiction of a Public Interest Litigation (PIL), though the present writ petition

was not filed as a PIL. He further submits that a Co-ordinate Bench of this Court had already considered the issue and stayed the proceedings pending before the learned Single Judge.

Mr. G.S. Gill, learned Additional Advocate General assisted the Court.

Heard learned counsel for the parties and perused the material available on record.

We have considered the submissions advanced and have carefully gone through the order dated 13.05.2025 passed by the Co-ordinate Bench of this Court, wherein reliance was placed upon various judgments of the Hon'ble Supreme Court while staying the proceedings pending before the learned Single Judge.

We have also perused the impugned orders dated 24.04.2025 and 29.04.2025 passed by the learned Single Judge.

In our considered view, the learned Single Judge exceeded its jurisdiction while passing the orders dated 24.04.2025 and 29.04.2025. The matter was treated as if it were a Public Interest Litigation, and directions were issued travelling beyond the scope of the prayers made in the writ petition.

In that view of the matter, the present appeal is allowed. The orders dated 24.04.2025 and 29.04.2025 passed by the learned Single Judge are hereby set aside. All the pending application (s), if any, also stands disposed of.

(RAVI CHIRANIA),J

(INDERJEET SINGH),J