

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

S.B. Civil Writ Petition No. 11010/2026
CNR: RJHC020573602026 | URN: CW / 24453U / 2026

Hansa Devi Jat D/o Panchuram Jat, Aged About 26 Years, Village Dayalpura, Post Seva, Dist. Jaipur Currently Posted At Office Of The Aen, Phed Sub-Division Malpura, Dist. Tonk, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Public Health And Engineering Department, Government Of Rajasthan, Jaipur.
2. The Chief Engineer (Administration), Public Health And Engineering Department, Jal Bhawan, Civil Lines, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Ravi Jangir
For Respondent(s)	:	Ms. Sunita Meena, AGC Ms. Sneha Kaushal Mr. Neeraj Batra

HON'BLE MS. JUSTICE REKHA BORANA

Order

27/07/2026

1. Learned Counsel for the petitioner submits that the issue rests covered by a Co-ordinate Bench of this Court at Jodhpur in ***Charu Joshi vs State of Rajasthan & Ors.; S.B. Civil Writ Petition No.419/2015*** (decided on 22.01.2016).
2. Learned Counsel for the respondents is not in a position to refute the above submission.
3. In view of the above, the present writ petition is **disposed of** on the same terms and conditions as in ***Charu Joshi (supra)***, wherein the Court observed and held as under:

"8. Admittedly, the petitioner was Diploma Holder in Civil Engineering on the date of submission of his application form, i.e. 30.6.2008. The interview was held on 23.5.2009 and appointment was offered on 17.9.2009. The additional qualification of A.M.I.E. was acquired subsequent to the date of submission of application. Rule 6(1A) clearly specified that a Junior Engineer (Diploma Holder) who attains qualification of A.M.I.E. shall be entitled to be appointed as Junior Engineer (Degree Holder) by transfer against the quota of direct recruitment only on availability of vacancy. Reading of rule does not show that a only such Junior Engineer (Diploma Holder), can be considered for transfer to the quota of direct recruitment of Degree Holders if he has obtained degree while in service and after obtaining permission from the Department. Rule is silent to that effect and it certainly cannot be construed otherwise.

9. In the present case, the petitioner on the date of application was only had the qualification of Diploma Holder, even though he was undergoing A.M.I.E. Course and was in the final year. If the petitioner had applied, there was no guarantee that he would have qualified . The only surety, in his hands, was that he was a Diploma Holder and had a reasonable opportunity of being appointed as Junior Engineer(Diploma Holder). In case, he did not qualify in the degree course, he would have lost the opportunity under the Diploma quota as well. Rule 6(1A) only specifies that in case a Junior Engineer(Diploma Holder) attained qualification, he shall be entitled to be appointed as Junior Engineer(Degree Holder) by way of transfer against the quota of direct recruitment

only on availability of a vacancy. Nonconsideration of his candidatures was on the ground that he did not apply in the advertisement under the Degree Holder quota and especially since he was already undergoing the third/final year examination is not tenable in view of the fact that the petitioner would be entitled to transfer only in case there is a vacancy and then of course the seniority would be reckoned as per rules.

10. In view of the above, the above noted writ petition is allowed with the direction to the respondent to consider the case of the petitioner for transfer in the quota of direct recruitment of Junior Engineer(Degree Holder) by way of transfer in case there is a vacancy and to compute his seniority according to the Rules."

4. The order has been passed based on the submissions made in the petition and by learned counsel for the petitioner before the Court. The respondents would be free to examine the veracity of the submissions made in the petition and only in case, the averments made therein are found to be correct, appropriate orders would be passed in favour of the petitioner.

5. Stay application and pending application(s), if any, stand **disposed of.**

(REKHA BORANA),J