

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Misc. Stay Application No.13001/2025

IN

S.B. Civil Writ Petition No. 13434/2022

Ankit Kumar Chaudhary S/o Chhidda Singh, Aged About 24
Years, R/o Mangal Vihar Colony, Saipau Road, Dholpur (Raj.)

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Home Secretary,
Secretariat, Rajasthan, Jaipur.
2. The Director General Of Police, Police Headquarter,
Rajasthan, Jaipur.
3. Rajasthan Public Service Commission, Through Its
Secretary, Ajmer.
4. Deputy Secretary, Rajasthan Public Service Commission,
Jaipur Road, Ajmer (Raj.)

-----Respondents

For Petitioner(s)	:	Ms. Pratyushi Mehta
For Respondent(s)	:	Mr. Nikhil Saini

HON'BLE MR. JUSTICE ANAND SHARMA

Order

08/09/2025

1. Matter has come up on second stay application
No.13001/2025 filed by the petitioner with a prayer that the
petitioner may be permitted to provisionally participate in the Sub-
Inspector recruitment examination notified vide advertisement
dated 17.07.2025 where last date of submitting application form is
08.09.2025.

2. First stay application filed by the petitioner was considered on merits and was dismissed vide order dated 20.07.2023.

3. Learned counsel for the petitioner-applicant submits that that impugned order dated 01.06.2022, whereby the petitioner was debarred from appearing in any other competitive examination conducted by R.P.S.C., is *void ab initio* being passed contrary to the provisions of the Rajasthan Public Examination (Prevention of Unfair Means) (Amendment) Act, 2022 (for short, 'the Act of 2022').

4. Learned counsel for the petitioner-applicant indicates that Section 11 of the Act of 2022 empowers the authority to debar the convicted person who has used unfair means for a period not more than two years, whereas in the instant case, the petitioner was debarred for five years.

5. Learned counsel for the petitioner-applicant further submits that the petitioner has already undergone the rigour of three years debarment by now and in view of the provisions of the Act of 2022, the order impugned is *ultravires*. Hence, during the pendency of the writ petition, the petitioner be provisionally permitted to participate in the fresh examination process for the post of Sub-Inspector.

6. Learned counsel for the petitioner-applicant relies upon the judgment of the Hon'ble Supreme Court in the cases of **Trilok Chand Vs. State of Himachal Pradesh [2020 (10) SCC 763]** and **State of Andhra Pradesh & Ors. Vs. CH. Gandhi [2013 (5) SCC 111]**, in order to support her contention that in case the Statute provides for lesser punishment, no order exceeding the

powers can be passed by the Authorities. She has also placed reliance on order dated 31.07.2025 passed by the Co-ordinate Bench of this Court in **S.B. Civil Writ Petition No.9690/2025 [M/s Mdindia Health Insurance (TPA) Pvt. Ltd. Vs. State of Rajasthan & Ors.]** which mainly deals with opportunity of hearing.

7. *Per contra*, learned counsel appearing for the respondent-Commission submits that provisions of the Act of 2022 are not applicable in the instant case, as Section 2(f) defines 'unfair means' in respect of which the provisions of Act of 2022 would apply and the conduct of the petitioner for which he has been debarred, is not covered by the definition of unfairmeans.

8. Learned counsel for the respondent further indicated that the decisions taken by the Full-Commission on 11.05.2022 has considered the conduct of the petitioner and a conscious decision has been taken to debar the petitioner for a period of five years for insolent behaviour/disorderly conduct in the examination.

9. Learned counsel for the respondent further submits that while considering the first stay application also the similar prayer to allow the petitioner provisionally in the future examination has been rejected. Hence, the second stay application which is almost involving the similar prayer cannot be considered and is liable to be rejected.

10. Heard learned counsel for the parties and examined the record.

11. After going through the earlier order dated 20.07.2023 passed in first stay application, where all the arguments which

have been extended by the learned counsel for the petitioner were very much available to the petitioner and the order has been passed on merits. No prima facie case or irreparable injury is made out. Hence, second stay application filed by the petitioner is hereby dismissed.

(ANAND SHARMA),J

DAKSH/218(s)