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In The High Court of Judicature for Rajasthan
Jaipur Bench, Jaipur

ORDER

D.B. Civil Special Appeal (Writ) No.974/2016

Kamal Kishor Garg & Anr.

Vs. Board of Secondary Education Raj, Ajmer & Ors.

Date :: 11-7-2016

Hon'ble Mr. Justice Ajay Rastogi

Hon'ble Mr. Justice J.K. Ranka

Mr. Virendra Lodha Sr. Adv. with
Mr. Jai Lodha Adv., for appellants.

Mr. Ashok Gaur Sr. Adv. with

Mr. Ashwini Jaiman Adv.

Mr. Prahlad Singh Adv.

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] for respondents.

Apart from other objections, basic objections raised by the office are that (i) there is delay in filing present appeal for which separate application has been filed seeking condonation of delay u/S 5 of Limitation Act and (ii) the appellants were not party before the learned Single Judge, for which separate application has been filed seeking leave of the Court.

Counsel for appellants submits that as they were not party to the proceedings before the learned Single Judge and after the order came to be passed by the respondent-Board in compliance of order of the learned Single Judge, it came to their notice lateron & without any loss of time after getting certified copy of the order impugned, present appeal came to be preferred at their instance.

After hearing counsel for the parties, we find that the delay has been satisfactorily explained & deserves to be condoned, that apart we also find justification in what is being prayed for seeking

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leave of the Court.

Accordingly, the application seeking condonation of delay u/S 5 of Limitation Act stands allowed and the delay is condoned, at the same time, the application seeking leave of the Court is also allowed.

Counsel for appellants submits that the appellants are being regularly promoted on the recommendations of the DPC and at present working as Director/Dy. Director & their apprehension is of being reverted if order of the learned Single Judge is implemented in the manner indicated, which is impugned in the instant proceedings.

As regards respondents-1 & 2 are concerned, let copy of memo of appeal may be served in the office of Sh. Prahlad Singh Adv., and so far other respondents are concerned, it may be served in the office of respective lawyers who appeared on their behalf in connected special appeal (writ) no.153/2016.

In the meanwhile, the respondents may continue with the process in accordance with the provisions of Rajasthan Employees Service Regulations, 2004 but present status of the appellants until further shall not be disturbed.

List along with D.B. Special Appeal (Writ) No.153/2016.

(J.K. Ranka),J.

(Ajay Rastogi),J.