

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

1. D.B. Special Appeal Writ No. 1162/2022

1. The State Of Rajasthan, Through Its Secretary, Department Of Home, Govt. Secretariat, Jaipur
2. Inspector General Of Police, Bharatpur Range Bharatpur (Raj.).
3. Director General Of Police, Jaipur (Raj.).
4. Addl. Director General Of Police (Appointment And Promotion Board), Rajasthan, Jaipur (Raj.).
5. The Secretary, Rajasthan Public Service Commission, Ajmer (Raj.).

----Appellants

Versus

Radhika Singh D/o Shri Ranjeet Singh, Wife Of Shri Jitendra Singh, Aged About 33 Years, Resident Of 41 Moti Vihar, Near Neelam Paradise Hotel, Sirsi Road, Panchyawala, District Jaipur (Raj.).

----Respondent

2. D.B. Special Appeal Writ No. 1160/2022

1. The State Of Rajasthan, Through Home Secretary, Department Of Home, Secretariat, Jaipur (Rajasthan)
2. The Inspector General Of Police (Recruitment), Department Of Police Kota, Range Kota.
3. The Rajasthan Public Service Commission, Ajmer Through Its Secretary.

----Appellants

Versus

Pinki W/o Shri Vikas Togadiya, Aged About 34 Years, R/o Near Vayu Sainik Academy Khteri, District Jhunjhunu.

----Respondent

3. D.B. Special Appeal Writ No. 1161/2022

1. The State Of Rajasthan, Through Home Secretary, Government Of Rajasthan, Secretariat, Jaipur.
2. Director General Of Police, Rajasthan, Police Head Quarter, Lalkothi, Jaipur.
3. Addl. Director General Of Police, (Recruitment And

Promotion) Rajasthan, Police Head Quarter, Lalkothi, Jaipur (Raj.)

4. Inspector General Of Police (Recruitment) Rajasthan, Police Head Quarter, Lalkothi, Jaipur (Raj.)
5. The Secretary, Rajasthan Public Service Commission, Ajmer (Raj.)

----Appellants

Versus

Sharma Gurjar D/o Ratan Lal W/o Sitaram Gurjar, Aged About 28 Years, R/o Village Barkheda, District Bundi At Present R/o Village And Post Ranipura, Tehsil Hindauli, District Bundi.

----Respondent

4. D.B. Special Appeal Writ No. 1164/2022

1. The State Of Rajasthan, Through Its Secretary, Department Of Home, Govt. Secretariat, Jaipur (Raj.)
2. Director General Of Police, Police Head Quarters, Near Nehru Place, Tonk Road, Jaipur.
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

----Appellants

Versus

Smt. Rajesh Janu D/o Shri Birma Ram Janu, Aged About 22 Years, R/o Ward No. 06, Village Seetsar, Tehsil Ratangarh, District Churu, Rajasthan.

----Respondent

5. D.B. Special Appeal Writ No. 1165/2022

1. The State Of Rajasthan, Through Principal Secretary, Department Of Home, Government Of Rajasthan, Government Secretariat Jaipur, Rajasthan.
2. Addl. Director General Of Police, Recruitment And Promotion, Rajasthan.
3. Rajasthan Public Service Commission, Station Road, Jaipur Road, Jaipur Through Its Through Secretary.
4. The Inspector General Of Police, Jodhpur Range, Jodhpur.

----Appellants

Versus

Priyanka Gurjar D/o Shri Ratiram Gurjar, Aged About 22 Years,

R/o Dev Hospital, Karni Vihar-B, Road No.17, Vki Area, Jaipur
Rajasthan

-----Respondent

6. D.B. Special Appeal Writ No. 1166/2022

1. State Of Rajasthan, Through Principal Secretary, Department Of Home, Secretariat, Jaipur, Government Of Rajasthan.
2. The Director General Of Police, Rajasthan, Police Head Quarter Lalkothi, Tonk Road, Jaipur Rajasthan.
3. Inspector General Of Police (Personnel), Rajasthan, Police Headquarter Lalkothi, Lalkothi, Tonk Road, Jaipur Rajasthan
4. Addl. Director General Of Police Recruitment And Prmotion, Rajasthan, Police Head Quarter, Lalkothi, Tonk Road, Jaipur, Rajasthan.
5. Rajasthan Public Service Commission, Station Road, Through Secretary Ajmer.
6. The Inspector General Of Police, Jodhpur Range, Jodhpur.

-----Appellants

Versus

Sonu Sharma D/o Manohar Lal Sharma, Aged About 29 Years,
R/o Quarter No. 1/5 Reserve Police Line, Currently Designated
As District Special Force, Ajmer.

-----Respondent

For Appellant(s)	:	Mr. Rajesh Maharshi, Additional Advocate General with Ms. Kinjal Surana Advocate.
For Respondent(s)	:	Ms. Sweta Pareek Advocate Mr. Rajkumar Kasana Advocate on behalf of Ms. Sudesh Kasana Advocate. Ms. Radhika Maharwal Advocate on behalf of Mr. Kunal Kant Rawat Advocate.

HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE GANESH RAM MEENA

Judgment / Order

25/01/2023

These appeals are detagged from DB. Civil Special Appeal (Writ) Nos.1158/2022, 1159/2022, 1163/2022 & 1167/2022 and be listed separately.

Heard on prayer for condonation of delay in filing of the appeals.

Upon due consideration and the cause shown, we are inclined to condone the delay in filing of the appeals. Delay is accordingly condoned.

Applications filed under Section 5 of the Limitation Act are allowed.

Heard on prayer for stay as also prayer for issuance of appropriate direction for provisional appearance in the PET examination.

Learned State counsel would submit that the learned Single Judge has committed illegality in allowing the writ petition without taking into consideration the decision of the Division Bench of this Court in the case of **Laxmi Devi Versus State of Rajasthan and Others and other connected petitions, D.B. Civil Writ Petition No.18808/2015, decided on 15.05.2017 as also the decision of the Single Bench of this court at principal seat, Jodhpur in the case of Raju Devi Versus The State of Rajasthan & Others and other connected petitions, S.B. Civil Writ Petition No.13486/2018, decided on 28.09.2018** by which the right of pregnant woman to appear in the examination has been circumscribed by certain conditions. He would submit that for certain categories of candidates including pregnant women, one more chance of appearing in PET

examination was offered by fixing the date of examination on 01.05.2022. Those, who have not availed the second chance, they are not entitled to any relief.

Learned counsel for the respondents would submit that the appellants herein did not file any reply before the learned Single Judge to oppose the relief sought on any factual premise. It is submitted that in view of the Division Bench Judgment of this Court in the case of **Laxmi Devi Versus State of Rajasthan and Others (Supra)**, the respondents are entitled to the relief, which have been granted to them. It is also submitted that if the respondents, at this stage, are not allowed to participate in the process of selection, they would suffer irreparable injury.

We find that the issue with regard to the rights of pregnant women to participate in the process of selection was considered in detail by Division Bench Judgment in the Case of **Laxmi Devi Versus State of Rajasthan and Others (Supra)**.

In a subsequent Single Bench Judgment in the case of **Raju Devi Versus The State of Rajasthan & Others (Supra)**, the learned Single Judge clearly held, taking into consideration the submission of both the parties that the candidates are entitled to grant of reasonable time post their delivery period for appearing in PST/PET examination. The learned Single Judge held that 60 days from the date of delivery would be the reasonable time.

Learned Single Judge considering the settled legal position has allowed the writ petition.

The State preferred not to file any reply before the learned Single Judge. If the case of the State was that all the writ petitioners or some of them are not entitled to any benefit even if

the reasonable time would have been granted, as provided under various orders of this Court, it was for it to oppose the relief sought by filing specific reply.

We have been informed that the process of selection is still going on. In these circumstances, we are not inclined to stay the operation of the order passed by the learned Single Judge because if the respondents are not allowed to participate in the process of selection, they may suffer irreparable injury.

On the other hand, if they are allowed to appear provisionally, the interest of the parties can be protected so that in the event appeals are allowed, the provisional participation may be set at naught and in case the appeals are dismissed, on the basis of provisional participation, subject to merit position, respondents may be granted appropriate relief.

In view of the above, we are not inclined to stay the process of selection. We, however, say that the order of the learned Single Judge would be complied with. The participation of the respondents in the process of selection would be subject to final outcome of the appeals and would remain provisional. Respondents shall not claim any equity on the ground of provisional participation.

Interim application filed by the appellant and respondents are accordingly disposed off.

List after three weeks for further orders.

(GANESH RAM MEENA),J

(MANINDRA MOHAN SHRIVASTAVA),J