

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 1247/2025
CNR: RJHC020862562025 | URN: SAW / 2681U / 2025

Dr. Avtar Singh Dua S/o (Late) Dr. Sujan Singh Dua, Aged About 59 Years, Resident Of 15, Paschim Vihar, Sirsi Road, Vaishali Nagar, Jaipur 302021.

-----Appellant-Petitioner

Versus

1. State of Rajasthan, Through The Secretary, Medical Education Department, Government Of Rajasthan, Jaipur.
2. State of Rajasthan, Through The Chief Secretary, Government Of Rajasthan, Jaipur.
3. State of Rajasthan, Through The Secretary, Department of Personnel, Government Of Rajasthan, Jaipur.
4. The Commissioner, Directorate Of Medical Education, Government Of Rajasthan, Chikitsa Shiksha Bhawan, J.L.N.Marg, Jaipur- 302004.
5. The Registrar, Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur- 302033.
6. The Secretary, National Medical Commission, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi- 110077.
7. Dr. Deepak Maheshwari, presently Designated As Principal And Controller, SMS Medical College, Jaipur-302004.

-----Respondents

For Appellant(s)	:	Mr. Nitesh Rawat
For Respondent(s)	:	Mr. Vigyan Shah, AAG with Mr. Angad Mirdha, Mr. Gitesh Joshi, Mr. Jaswant Persoya

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

05/08/2026

1. The present appeal is directed against the judgment dated 27.08.2025, whereby the writ petition preferred by the appellant,

inter alia, challenging the appointment order dated 14.10.2024 appointing respondent No.7, Dr. Deepak Maheshwari, as the Principal and Controller of SMS Medical College, Jaipur, was dismissed.

2. The brief facts of the case, as set out in the writ petition, are that the appellant is serving as a Senior Professor at SMS Medical College, Jaipur. On 21.10.2016, respondent No.7 tendered his resignation from the post of Professor and was relieved from the said post by the competent authority on 24.10.2016. Thereafter, his request for withdrawal of resignation was accepted and he was reinstated in service with continuity. Respondent No.7 rejoined on the post of Professor on 07.07.2017. Subsequently, pursuant to the consent received from the Cabinet Secretariat, vide order dated 15.03.2018, the services of respondent No.7 were allowed to continue and his intervening service period was also regularised.

2.1 The appellant and the respondent No.7, in pursuance of the advertisement dated 14.08.2024, applied for the post of Principal and Controller, SMS Medical College, Jaipur. In the selection process, the appellant remained unsuccessful, while respondent No.7 was selected to the said post.

3. Aggrieved thereby, the appellant approached this Court by way of a writ petition which was dismissed by the Learned Single Judge with the following observations:-

"6. The petitioner has placed copy of letter dated 15.03.2018 in order to show that Respondent No. 7, although submitted resignation, was allowed to continue and his intervening service period was also regularised. It is not the case of the petitioner that he was not aware

of the facts with regard to earlier resignation and subsequent withdrawal thereof by Respondent No.7.

7. It is reflected from the contents of the writ petition that the petitioner has participated in the selection process for the post of Principal and Controller of SMS Medical College after having knowledge of all such facts, yet only when he remained unsuccessful in the selection and appointment process of the post of Principal and Controller of SMS Medical College, he is raising such objections with regard to resignation and withdrawal thereof by Respondent No. 7, which took place seven years back.

8. In the light of aforesaid facts, where the petitioner has not disputed that Respondent No. 7 was more meritorious than him for the purpose of selection and appointment on the post of Principal and Controller of SMS Medical College, he has got no locus to challenge the same on the grounds which are not at all related with the selection in question. Further, the petitioner has also got no locus, after expiry of seven years, to challenge the withdrawal of resignation by Respondent No. 7.

9. In view of above, writ petition filed by the petitioner is devoid of any substance and merit and the same is, hereby, dismissed."

4. Heard learned counsel for the parties and perused the judgment passed by the learned Single Judge.

5. The case of the appellant is that respondent No.7 is ineligible to be appointed on the post of Principal and Controller, SMS Medical College, as his reinstatement in the year 2018 with continuity in service was illegal.

6. It is an undisputed position that the appellant was fully aware of the resignation tendered by respondent No.7, the

subsequent withdrawal thereof and his reinstatement in service. Despite having such knowledge, the appellant chose not to challenge the said action for nearly seven years, rather, he filed the aforesaid writ petition only after he remained unsuccessful in the selection process. It is apposite to mention that neither the pleadings disclose any explanation for not taking any action for such a long period nor, upon a query being put by the Court, was learned counsel for the appellant able to explain the same. In the above circumstances, we are of the considered opinion, the appellant can not be permitted to lay challenge to the reinstatement of respondent No.7 after an inordinate delay of nearly 7 years, more particularly when respondent No.7 is more meritorious than the appellant.

7. In view of the above, we find no reason to differ from the view taken by the learned Single Judge while dismissing the writ petition.

8. Resultantly, the present appeal, being devoid of merit, is dismissed.

9. Pending applications, if any, also stand disposed of.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J