

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

(1) S. B. Civil Writ Petition No. 16386/2025

1. Dinesh Sharma S/o Ramniwas Sharma, Aged About 29 Years, R/o Village Post Punana, Jaahota, Tehsil Amer, District Jaipur (Rajasthan) - 303701.
2. Chandan S/o Ashok Kumar, Aged About 26 Years, R/o RHB Colony Hanumangarh Junction (Rajasthan)-335512.
3. Sawai Singh Ranga S/o Durga Shankar Ranga, Aged About 27 Years, R/o Near Lali Mai Bagechi, Bhatolayi, Bikaner (Rajasthan)- 334001.
4. Abhishek Purohit S/o Yogesh Kumar Purohit, Aged About 27 Years, R/o Mundhro Ka Chauk, Bikaner (Rajasthan) - 334005.
5. Vaishali Panwar D/o Sampat Singh Panwar, Aged About 26 Years, R/o Bikaner (Rajasthan)-334001.
6. Akash Khatri S/o Mahendra Kumar Khatri, Aged About 28 Years, R/o Near RASV School, Kamla Colony, Bikaner (Rajasthan) - 334001.
7. Nikita Sharma D/o Ashok Sharma, Aged About 25 Years, R/o Dausa (Rajasthan) - 303303.
8. Ashutosh Sharma S/o Dilip Kumar Sharma, Aged About 21 Years, R/o Village Post Hingotiya, Dausa (Rajasthan) - 303303.
9. Gajrajsingh Shekhawat S/o Summersingh Shekhawat, Aged About 27 Years, R/o Chomu, District Jaipur (Rajasthan) - 303702.
10. Harshil Kumar Jain S/o Dinesh Kumar Jain, Aged About 31 Years, R/o Meena Colony, Behind Jail, Sawaimadhopur (Rajasthan) - 322001.
11. Vijaydev Pandya S/o Satish Kumar Pandya, Aged About 28 Years, R/o Bhusavar, Bharatpur (Rajasthan) - 321406.
12. Shankar Sharma S/o Mahendra Kumar Sharma, Aged About 25 Years, R/o 12, Mahaveer Colony, Kartarpura, Jaipur - 302006.

-----Petitioners

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.

2. State Of Rajasthan, Through Principal Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.
3. Rajasthan Staff Selection Board, Jaipur Through Its Secretary Having Its Office At Rajasthan Agriculture Management Institute Premises, Durgapura, Jaipur - 302018.

----Respondents

Connected With

(2) S. B. Civil Writ Petition No. 16396/2025

1. Anita Choudhary D/o Shravanlal, Aged About 25 Years, R/o Teja Ji Ke Pass, Kalwar Road, Manchava, Kalwad, Jaipur, Rajasthan- 303706.
2. Komal Khatri D/o Khemchand Khatri, Aged About 29 Years, R/o E-92, Gaya Guru Ki Gali, Sitaram Bazaar, Brahmpuri, Jaipur, Rajasthan- 302002.
3. Anjali Chhinpa D/o Omprakash, Aged About 23 Years, R/o Chhipon Ka Mohalla, G.s. Road, Bikaner, Rajasthan- 334001.
4. Deepak Singh S/o Surendra Singh, Aged About 24 Years, R/o Kuchaman, Rajasthan- 341508.
5. Pawan Beniwal S/o Tulsiram Beniwal, Aged About 30 Years, R/o Near Sbi Bank, Didwana Road, Nagaur, Rajasthan- 341001.
6. Sunil Kumawat S/o Lalchand Kumawat, Aged About 23 Years, R/o Kuchaman City, Didwana, Kuchaman, Rajasthan - 341508.
7. Sangeeta D/o Gopal Lal, Aged About 22 Years, R/o Nawa, Didwana-Kuchaman, Rajasthan- 341509.
8. Kiran D/o Sohan Lal, Aged About 23 Years, R/o Kuchaman City, Didwana-Kuchaman, Rajasthan- 341508.
9. Mayank Rajput S/o Vijay Singh Rajput, Aged About 33 Years, R/o Tajia Chowk, Gujri Darwaja Devgarh, District Rajsamand, Rajasthan- 313331.
10. Kiran D/o Tikamchand, Aged About 20 Years, R/o Ward No. 23, District- Didwana-Kuchaman, Rajasthan- 341509.
11. Tanisha Saini D/o Sunil Kumar Saini, Aged About 21 Years, R/o Alwar, Rajasthan 301001.

12. Jayshree Swami D/o Prakash Swami, Aged About 29 Years, R/o Bikaner, Rajasthan 334001.
13. Shubham Kumar Maru S/o Purushottam Das Maru, Aged About 29 Years, R/o Bhattadon Ka Chowk, Naiyon Ki Badi, Guwad, Bikaner, Rajasthan- 334001.
14. Vikas Chaudhary S/o Pokharmal Rulania, Aged About 25 Years, R/o Sikar, Rajasthan- 332404.
15. Anil Kumar Bochliya S/o Shivpal Bochliya, Aged About 28 Years, R/o Tehsil Kishangarh, Jaipur, Rajasthan- 303602.
16. Deepika Chouhan D/o Chandra Prakash Singh Chouhan, Aged About 35 Years, R/o Sotya Pada, District Bundi, Rajasthan- 323001.

-----Petitioners

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.
2. State Of Rajasthan Through Principal Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.
3. Rajasthan Staff Selection Board Jaipur, Through Its Secretary Having Its Office At Rajasthan Agriculture Management Institute Premises, Durgapura, Jaipur- 302018.

-----Respondents

(3) S. B. Civil Writ Petition No. 16553/2025

Mallu Ram Katariya, S/o Ganesh Ram, Aged About 23 Years, R/o Meghwalo Ka Bass, Gothara, Gothra, Post Office Kuchera, District Nagaur, Rajasthan, 341024.

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.
2. State Of Rajasthan, Through Principal Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.
3. Rajasthan Staff Selection Board, Jaipur, Through Its Secretary Having Its Office At Rajasthan Agriculture

Management Institute Premises, Durgapura, Jaipur - 302018.

-----Respondents

(4) S. B. Civil Writ Petition No. 16782/2025

1. Ram Lal Chaudhary, S/o Madan Lal Chaudhary, Aged About 29 Years, R/o 107, Vikas Nagar - C, Gas Godown Roadgirdharipura, Heerapura, District Jaipur, Rajasthan - 302021.
2. Sunil S/o Madan Lal Bishnoi, Aged About 25 Years, Resident Of Ward No. 27, New, , Near Bishnoi Mandir, Suratgarh, District Sri Ganganagar, Rajasthan, Pin - 335804.
3. Atul Kumar, S/o Bhanwar Lal, Aged About 21 Years, R/o Ward No. 09, 78 Rb, Ganganagar, Rajasthan - 335051.
4. Anuradha D/o Kamlesh Kumar, Aged About 27 Years, R/o Ward No 13 (Old), 17 (New), Near Shakya Muni Bodh Bihar Mandir, Raisinghnagar, Anoopgarh, Rajasthan - 335051.
5. Shubham Sharma S/o Satish Sharma, Aged About 25 Years, R/o Village Goth Post Surer Tehsil, Rajgarh, Alwar, Rajasthan-301408.
6. Arihant Pal Singh S/o Vijay Pal Singh, Aged About 22 Years, R/o Karauli House, Subhash Colony, Behind Tehsil Nawa, Nagaur, Rajasthan-341509.
7. Anju Bala D/o Prakash Godara, Aged About 32 Years, R/o 118-G Baba Hariram Marg Mandir, Ramdev Colony, Se (Rural) Ganganagar, Rajasthan-335001.
8. Sonu Saharan S/o Ram Kumar, Aged About 29 Years, R/o 53 Np, Po Bagicha, Raisinghnagar, Sri Ganganagar, Rajasthan-335051
9. Naznin Bano D/o Ashan Khan, Aged About 36 Years, R/o Street No. 2, Near Kafiya Palace, Moti Chowk, Longiya, Ajmer, Rajasthan-305001.
10. Brajesh Kumar S/o Man Singh, Aged About 26 Years, R/o Village Hanipur, Post Reta, Tehsil Kathumar, Alwar, Rajasthan-321605.

-----Petitioners

1. The Rajasthan Staff Selection Board (Rssb), Through Its Secretary, State Institute Of Agriculture Management Campus, Durgapura, Jaipur - 302018.
2. The State Of Rajasthan, Through The Principal Secretary, Department Of Personnel, Government Secretariat, Jaipur - 302005.

----Respondents

(5) S. B. Civil Writ Petition No. 16800/2025

Pooja Meena D/o Devi Narayan Meena, Aged About 23 Years, R/o Naradpura Road, Kunda Amer, Badri Vihar Colony, Nangal Soosawatan, Jaipur, Rajasthan- 302028.

----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.
2. State Of Rajasthan Through Principal Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.
3. Rajasthan Staff Selection Board, Jaipur Through Its Secretary Having Its Office At Rajasthan Agriculture Management Institute Premises, Durgapura, Jaipur-302018.

----Respondents

(6) S. B. Civil Writ Petition No. 17715/2025

Deepa Sharma C/o Mr. Dharam Chand Sharma, Aged About 38 Years, R/o 1/52, N E B Housing Board, Behind Krishi Upaj Mandi, Alwar (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Jaipur.
2. State Of Rajasthan, Through Principal Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur.
3. Rajasthan Staff Selection Board, Jaipur Through Its Secretary Having Its Office At Rajasthan Agriculture

Management Institute Premises, Durgapura, Jaipur
302018

----Respondents

For Petitioners	:	Mr. Sandeep Pathak Advocate with Ms. Jaya Pathak Advocate & Mr. Arnav Singh Advocate. Ms. Shobha Sharma Advocate on behalf of Mr. Anil Kumar Jain Advocate. Mr. Akshay Singh Advocate. Ms. Pragya Seth Advocate.
For Respondents	:	Mr. Vigyan Shah, Additional Advocate General assisted by Mr. Deepak Mittal Advocate, Mr. Priyam Agarwal Advocate, Mr. Sankalp Vijay Advocate. Mr. Yuvraj Samant Advocate with Ms. Neha Amola Advocate Mr. Punit Singhvi Advocate with Mr. Ayush Singh Advocate, Mr. Ajay Singh Advocate, Ms. Sharddha Mehta Advocate, Mr. Ishan Verma Advocate, Mr. Naman Dadhich Advocate, Mr. Yashoverdhan Agarwal Advocate & Ms. Suhani Singh Advocate. Mr. Archit Bohra Additional Government Counsel with Mr. Prakhar Jain Advocate. Mr. Tilak Vaid Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

REPORTABLE

Date of conclusion of arguments	::	25.02.2026
Date on which judgment was reserved	::	25.02.2026
Whether the full judgment or only the operative part is pronounced	::	Full Judgment
Date of pronouncement	::	18.03.2026

1. Since the above writ petitions arise out of almost identical facts and circumstances, involve a common cause of action, similar grievances, raise common questions of law and facts for consideration by this Court, the same were, with the

consent of learned counsel appearing for the respective parties, heard analogously and are being decided by this common judgment. For the sake of convenience and to avoid repetition of facts, the pleadings and facts stated in S.B. Civil Writ Petition No. 16386/2025, Dinesh Sharma & Others vs. State of Rajasthan & Others. are being taken as the lead case and are referred to for the purpose of adjudication of the issues involved in the present batch of petitions.

2. Petitioners have challenged legality and validity of the action of the respondents in granting an additional relaxation of 5% in the maximum permissible mistakes/errors in Phase-II of the recruitment process for the posts of Stenographer and Personal Assistant Grade-II pursuant to the advertisement dated 26.02.2024. The petitioners have further prayed for quashing the provisional merit list dated 25.09.2025 and further actions on the ground that the grant of such relaxation is contrary to Clause 22(6)(iv) of the advertisement and the governing service rules.

3. The facts giving rise to the present petitions, briefly stated, are that at the instance of respondent-Government, the Rajasthan Staff Selection Board issued an advertisement dated 26.02.2024 inviting applications for recruitment to the posts of Stenographer and Personal Assistant Grade-II in the Secretariat as well as subordinate offices of the State Government. As many as 444 vacancies were advertised for the aforesaid for Non-TSP area and the recruitment was governed by the Rajasthan Secretariat Ministerial Service Rules, 1970 (hereinafter to be referred as 'the Rules of 1970'), the Rajasthan Subordinate Ministerial Service Rules, 1999 and the Rajasthan Scheduled Areas Subordinate,

Ministerial and Class-IV Service (Recruitment & Other Service Conditions) Rules, 2014.

4. The scheme of examination prescribed under Clause 22 of the advertisement provided for a two-phase selection process. Phase-I consisted of a written examination and Phase-II consisted of a skill test relating to stenography. As per the scheme, candidates securing minimum 40% marks in each paper of Phase-I were eligible for consideration for Phase-II, subject to the zone of consideration prescribed under the rules. Final merit list was to be prepared by adding total marks of the above Phase-I and Phase-II examination.

5. The written examination was conducted on 05.10.2024 and the result thereof was declared on 23.12.2024. Thereafter, the candidates qualifying Phase-I were permitted to appear in Phase-II. Initially the Phase-II examination scheduled in March 2025 was cancelled and subsequently re-conducted on 29.06.2025. The result of both phases was declared on 25.09.2025 and a provisional list of 904 candidates was published for document verification.

6. The petitioners, who had successfully cleared both phases of the examination, contended that the respondent-Board illegally granted an additional relaxation of 5% in the permissible mistakes/errors in the skill test by invoking Clause 22(6)(iv) of the advertisement. According to the petitioners, under Clause 22(6)(iii), the maximum permissible mistakes were prescribed as 20% for general category candidates and 25% for SC/ST candidates. Clause 22(6)(iv) of the advertisement further provided that an

additional relaxation upto 5% could be granted only where sufficient number of candidates were not available in any category.

7. The petitioners contended that despite sufficient number of candidates being available within the originally prescribed limits, the respondents arbitrarily granted the additional relaxation of 5%, which resulted in candidates committing more mistakes in skill test than permissible limits qualifying the skill test and being called for document verification.

8. The petitioners further contended that by illegally granting additional relaxation as many as 904 candidates were called for document verification against only 444 vacancies, whereas sufficient candidates were already available without any relaxation. It is further contended that the relaxation has resulted in grant of dual benefit to candidates belonging to SC/ST categories as they were already entitled to 5% relaxation in the permissible mistakes under Clause 22(6)(iii).

9. The petitioners also relied upon the conditions of the advertisement which stipulate that reserved category candidates would be eligible for selection against unreserved posts only if they have not availed any relaxation other than fee concession. According to the petitioners, the grant of additional relaxation has resulted in reserved category candidates being considered against unreserved posts despite having availed dual relaxation.

10. During the pendency of the writ petition, the petitioners filed an additional affidavit placing on record the final merit list issued by the respondents vide press note dated 21.10.2025. It has been asserted therein that out of 904 candidates declared successful, as many as 643 candidates in the Non-TSP area had

qualified the skill test without availing any additional relaxation. It is contended that since the total number of Non-TSP vacancies was only 444, the availability of 643 candidates itself establishes that sufficient candidates were already available without any relaxation.

11. The additional affidavit further provides category-wise details to demonstrate that even within each category sufficient number of candidates had qualified within the original permissible limits. It has been asserted that more than the required number of candidates were available in General, OBC, EWS, SC and ST categories without availing the additional relaxation and therefore the invocation of Clause 22(6)(iv) of the advertisement was wholly unwarranted.

12. The respondents opposed the writ petition by way of filing reply and contended that the recruitment process is governed by the applicable service rules framed under Article 309 of the Constitution of India and the advertisement merely reflects the provisions contained therein. It is contended that the rules confer discretion upon the Board to grant further relaxation of up to 5% in permissible mistakes if sufficient number of candidates are not available.

13. The respondents further contended that the expression "sufficient number of candidates" has not been defined in the rules and therefore the Board was required to assess the sufficiency of candidates keeping in view the administrative instructions issued by the Department of Personnel. Reliance has been placed upon the circular dated 18.10.2021 which prescribes that at least twice the number of advertised vacancies should be called for document

verification to account for possible disqualifications during document verification.

14. It is further pleaded in reply to the writ petition that upon assessing the number of candidates qualifying the skill test within the original permissible limits, the Board found that the number of candidates was less than twice the number of advertised vacancies in several categories. Accordingly, the Board decided to grant an additional relaxation of 5% in the permissible mistakes in order to ensure availability of adequate candidates for preparation of waiting list as well as for document verification.

15. The respondents also contended that the relaxation was granted uniformly and no candidate less meritorious than the petitioners would be selected. It has further been argued that the petition suffers from non-joinder of necessary parties as the selected candidates have not been impleaded.

16. In reply to writ petition the Respondents put an endeavour to summarise the data by giving following two tables:

TABLE-A

Status of posts and qualifying candidates in NTSP without additional 5% relaxation-

S. No.	Category	Posts	2 Times of Posts	No. of Shortlisted candidates in 2 times.
1	General	238	476	476
2	EWS	43	86	29
3	OBC	80	160	62
4	MBC	15	30	4
5	SC	39	78	34
6	ST	23	46	25
7	SAH	6	12	0
Total		444	888	630

Status of posts and qualifying candidates in NTSP with additional 5% relaxation except General Category-

S. No.	Category	Posts	2 times of the posts	No. of shortlisted candidates in 2 times
1	General	238	476	476
2	EWS	43	86	82
3	OBC	80	160	173
4	MBC	15	30	22
5	SC	39	78	66
6	ST	23	46	46
7	SAH	6	12	0
Total		444	888	865

17. Aforesaid details have been disputed by the petitioners and it has been submitted that even without granting additional relaxation of 5%, 259 candidates against 238 vacancies of unreserved category, 172 candidates against 80 vacancies of OBC, 105 candidates against 43 vacancies of EWS, 56 candidates against 39 vacancies of SC and 43 candidates against 23 advertised vacancies of ST were available. Hence, sufficient number of candidates since already available, there was no requirement to grant additional relaxation of 5% by giving wrong details and by misconceived invocation of relaxation power.

18. During the pendency of writ petition, an interim application was also filed by the candidates who were selected after getting benefit of additional relaxation of 5% in maximum permissible mistakes during skill test conducted in Phase-II and were part of 904 selected candidates. This Court permitted such candidates as intervenors in the petition, so as to provide them also an opportunity of hearing before finally deciding the issue.

19. Mr. Sandeep Pathak and Mr. Akshay Singh, learned counsel for the petitioners, while reiterating the facts of the writ petition, submitted that the action of the respondents in granting additional relaxation of 5% in the permissible mistakes in Phase-II of the examination is wholly arbitrary and contrary to the express conditions of the advertisement dated 26.02.2024 as well as the governing service rules.

20. It was argued that Clause 22(6)(iv) of the advertisement permits an additional relaxation of up to 5% only where the Board forms an opinion that sufficient number of candidates are not available in any particular category.

21. Learned counsel submitted that in the present case the respondents have granted the additional relaxation mechanically and across all categories, despite the availability of sufficient candidates within the originally prescribed limits. It was submitted that the provisional result dated 25.09.2025 itself shows that 643 candidates were already available against only 444 advertised vacancies, which clearly indicates that there was no shortage of candidates so as to justify invocation of the relaxation clause.

22. It was further argued that the impugned relaxation has resulted in distortion of the merit list, as candidates who committed mistakes beyond the originally prescribed limits have been allowed to qualify the skill test, thereby adversely affecting the chances of more meritorious candidates.

23. Learned counsel also submitted that the action of the respondents has resulted in grant of dual relaxation to candidates belonging to reserved categories, as they were already entitled to

a higher permissible limit of mistakes under Clause 22(6)(iii) of the advertisement. Attention of the Court was further invited to the condition in the advertisement which provides that reserved category candidates would be eligible for selection against unreserved posts only if they have not availed any relaxation other than fee concession. However, the provisional merit list shows that reserved category candidates have been placed against unreserved posts despite availing relaxation.

24. Learned counsel for the petitioners also submitted that the Respondents were under an obligation to disclose entire criteria to assess the eligibility of the candidates in the advertisement and as per the criteria reflected in the advertisement, the Rules of 1970 were to regulate the process, however, in ignorance thereof, after the examination of Phase-II, the respondents have illegally sought to apply DOP circular dated 18.10.2021, which amounts to change of rules of the game after start of play and even otherwise, the Circular dated 18.10.2021 being contrary to specific statutory rules, cannot supplant the rules and is not applicable. Therefore, additional relaxation of 5% granted by the Board contrary to the Rules and by wrongly applying administrative circular is arbitrary and is liable to be declared illegal.

25. It was vehemently argued that erstwhile Rule 22 of the Rules of 1970 (prior to amendment) provided for preparation of list after Phase-II examination by including twice the number of vacancies and such condition has been substituted by the rule making authority by way of an amendment in Rule 22 of the Rules

of 1970 vide notification dated 18.08.2023, whereby while deleting the provision for preparing merit list by the earlier method of calculating double the vacancies advertised, quite consciously after amendment, a rider of maximum permissible limit of mistakes has been put, so as to raise the standard of examination with the object to have better skilled stenographers after selection. But, while preparing the impugned list, the respondents have attempted to revive the already deleted provisions of the Rules, which is not permissible in law.

26. It was, therefore, submitted that the impugned action of the respondents is arbitrary, contrary to the conditions of the advertisement, and violative of Articles 14 and 16 of the Constitution of India, and consequently the provisional merit list dated 25.09.2025 and subsequent final list deserve to be quashed with a direction to the respondents to prepare a fresh merit list by applying the originally prescribed limits of permissible mistakes.

27. Learned counsel for the petitioners relied upon judgments of Hon'ble Supreme Court in the cases of **Tej Prakash Patahk & Others vs. Rajasthan High Court & Others, (Order dated 07.11.2024 passed in Civil Appeal No. 2634 of 2013), Abhay Kumar Patel & others vs. State of Bihar & Others, (Civil Appeal arising out of Special Leave Petition (C) No. 22323 of 2023 and another connected SLP decided on 06.01.2026), R. Ranjith Singh & Others vs. State of Tamil Nadu & Others, 2025 SCC OnLine SC 1009, Jaiveer Singh & Others vs. State of Uttarakhand & Others, (2024) 15 SCC**

227 and Union of India & Another vs. Ashok Kumar Aggarwal, (2013) 16 SCC 147.

28. Per contra, Mr. Vigyan Shah, learned Additional Advocate, Mr. Yuvraj Sawant, learned Counsel for the Respondent-Board and Mr. Puneet Singhvi, learned counsel appearing for the intervenors opposed the writ petition and submitted that the challenge raised by the petitioners is misconceived and devoid of merit. It was submitted that the recruitment in question was conducted pursuant to the advertisement dated 26.02.2024 for the posts of Stenographer and Personal Assistant Grade-II, which is governed by the statutory Rules.

29. Learned counsel submitted that both the applicable service rules as well as Clause 22(6)(iv) of the advertisement confer discretion upon the Selection Board to grant additional relaxation of up to 5% in permissible mistakes if, in its opinion, sufficient number of candidates are not available in any category.

30. It was contended that the expression "sufficient number of candidates" is not defined in the rules governing the selection process and therefore the assessment of such sufficiency necessarily falls within the domain of the Selection Board. In the present case, the Board assessed the requirement of sufficient candidates by following the guidelines issued by the Department of Personnel through circular dated 18.10.2021, which require the selection authorities to ensure availability of at least two times the number of advertised vacancies for the purpose of document verification and preparation of the select and waiting lists.

31. Learned counsel submitted that when the result of Phase-II was initially assessed without granting the additional relaxation, the number of eligible candidates in several categories was far below two times the number of vacancies, and in certain categories even below the number of vacancies themselves. In order to ensure adequate availability of candidates for completion of the recruitment process in accordance with the aforesaid guidelines, the Board exercised the discretion vested in it under the rules and granted additional relaxation of 5% in permissible mistakes.

32. It was further submitted that the relaxation was granted in a structured manner so as to ensure that the minimum requirement of two times the number of candidates could be achieved. Initially the relaxation was extended to reserved categories where the number of available candidates was insufficient; however, even thereafter the total number of candidates remained below the required benchmark. Consequently, the same relaxation was extended to general category candidates as well, whereupon the total number of eligible candidates became adequate for the purpose of document verification.

33. Learned counsel further contended that the allegation of the petitioners that the relaxation has resulted in prejudice to general category candidates is unfounded. It was submitted that once the additional relaxation was granted uniformly, the maximum permissible mistakes for General, OBC, MBC and EWS categories stood at 25%, whereas for SC/ST categories it stood at

30%. However, candidates belonging to SC/ST categories who availed relaxation beyond the permissible limit applicable to general category candidates would not be considered for appointment against unreserved posts, thereby ensuring that no prejudice is caused to candidates belonging to the unreserved category.

34. It was also argued that the petitioners have proceeded on an erroneous assumption that the expression "sufficient number of candidates" should be equated with the exact number of advertised vacancies, whereas the recruitment process necessarily requires availability of a larger pool of candidates to account for contingencies such as disqualification at the stage of document verification, non-joining, or preparation of waiting lists. Therefore, the decision of the Board to treat two times the number of vacancies as the benchmark for sufficient candidates is reasonable and consistent with the administrative guidelines issued by the Department of Personnel.

35. On the basis of the tabulated data shown in the Reply to the writ petition, learned Counsel for the Respondents argued that in certain categories the number of candidates who qualified on the basis of the prescribed standard was less than the number corresponding to twice the vacancies, whereas in some categories the number exceeded such benchmark. For instance, in the General category, against 238 posts, the permissible limit of twice the vacancies would be 476 candidates, and exactly 476 candidates were available, thereby satisfying the prescribed ratio. However, in the EWS category, against 43 posts, only 82

candidates were available as against the permissible number of 86. Similarly, in the MBC category, against 15 posts, only 22 candidates were available as against 30, and in the SC category, 66 candidates were available against the permissible number of 78. Most significantly, in the SAH category, against 6 posts, no candidate was available in the shortlist. The aforesaid figures demonstrate that in several reserved categories the number of candidates satisfying the prescribed standard was insufficient even to fill twice the number of vacancies. In such circumstances, the relaxation mechanism contemplated under Rule 22 assumes relevance. The rule itself recognizes that where sufficient number of candidates belonging to any category are not available on the basis of the general standard, the recruiting authority may apply a relaxed standard or expand the zone of consideration so as to ensure that a reasonable number of candidates from such categories become available for further stages of the recruitment process. Hence, under these circumstance, 5% additional relaxation was granted even for the Unreserved category so as to make good the shortfall in other categories, where even after granting 5% additional relaxation, the Board could not find twice the number of candidates in that categories. Hence, after granting 5% additional relaxation to unreserved category, the Board published list of total number of 904 candidates against 444 advertised vacancies.

36. Learned counsel for respondents emphatically submitted that after amendment of Rule 22 of the Rules of 1970 vide notification dated 18.08.2023, the limit of preparing the list

by including candidates twice the number of candidates has been removed and as such, the amended Rule has rather expanded the zone of consideration and preparation of list. Now, after amendment, there is no limit in respect of size of the list as earlier prescribed by the unamended provisions and now, it can even cross the limit of twice the number of vacancies advertised while granting 5% additional relaxation, in case the contingency so arises.

37. Lastly, learned counsel submitted that the preparation of merit list is based on the combined marks obtained in Phase-I and Phase-II examinations, and therefore no candidate less meritorious than the petitioners would be selected merely on account of the relaxation granted in permissible mistakes. On these grounds, learned counsel prayed that the writ petitions being devoid of merit deserve to be dismissed.

38. I have considered the submissions advanced by learned counsel for the parties and have perused the material placed on record.

39. Since the controversy in the present matters revolve around Rule 22 of the Rules of 1970, therefore, aforesaid Rule pre and post amendment dated 18.08.2023 is being reproduced as under:

"Unamended Rule 22 (prior to 18.08.2023):

"22. Recommendations of the Appointing Authority the Commission.- (1) The Commission shall prepare "category wise" merit list of the candidates declared successful in the ⁹²"Clerk Grade-II" examination,

Provided that:

(i)The Commission, may to the extent of 50% of the finally intimated vacancies keep names of the suitable candidates

on the reserve list. The names of such candidates may, on receipt of requisition within 6 months from the date on which the original list is forwarded by the Commission to the Government, in the Department of Personnel (B-1) in such manner as the Commission may decided, be recommended in order of merit to the Government in the Department of Personnel (B-1) for appointment against additional vacancies;

⁹³(ii) Deleted.

⁹⁴(iii) The Commission shall not recommend any candidate who has failed to obtain a minimum of 40% marks in each of the paper of the Phase-I and a minimum of 36% marks in each of the paper of the Phase-II of the competitive examination.

⁹⁵(iv) Deleted.

⁹⁶"(2)(1) Procedure for selection and Appointment of Stenographer.- The Commission shall prepare list of Candidates declared successful in the Stenographer's Competitive/Qualifying examination as the case may be. Such list shall be sent by the Commission to the Appointing Authority.

⁹⁷Provided that the Commission shall not recommend any candidate who has failed to obtain a minimum of 40% marks in each of the paper of the Phase-I and ⁹⁸"a minimum of 36% marks in the paper opted in Phase-II" of the Competitive examination".

⁹⁹Deleted.

(2) The lists prepared by the Commission under sub-rule (1) above shall remain in force for a period of two years ¹⁰⁰"Deleted" ¹⁰¹"in respect of Stenographers but for Senior Stenographers the same will remain in force till it is exhausted",

(3) For the Posts of Stenographer the list shall be prepared equal to twice the number of vacancies available or likely to be available, in the order of merit as disclosed by the marks obtained in the examination held by the Commission as per syllabus prescribed in Schedule II, and for the posts of Senior Stenographers, the list shall be prepared of all the persons who have qualified in the test held by the Commission as per syllabus prescribed in Schedule II. The two lists shall be forwarded to the Appointing Authority.

¹⁰²(4) Deleted."

Amended Rule 22 (post amendment vide notification dated 18.08.2023):

"22. Selection by the Board.-The Board shall prepare category wise merit list of the candidates declared successful in the Competitive/Qualifying examination, as the case may be, for the post of Clerk Grade-II and Stenographer. The Board shall forward the lists so prepared to the Appointing Authority for appointment to the post concerned:

Provided that the Board may to the extent of 50% of the finally intimated vacancies keep names of the suitable candidates on the reserve list. The names of such candidates may, on receipt of requisition within six months from the date on which the original list is forwarded by the Board to the Appointing Authority in such manner as the Board may decide, be recommended in the order of merit to the Appointing Authority for appointment against additional vacancies.

Provided further that,-

(i) for the the post of Clerk Grade-II, the Board shall not recommend any candidate who has failed to obtain a minimum of 40% marks in each of the paper of the Phase-I and a minimum of 36% marks in each of the paper of the Phase-II of the competitive examination. However relaxation in minimum marks upto 5% shall be given in each paper of each phase of examination to the candidates belonging to Scheduled Castes/Scheduled Tribes categories.

(ii) for the post of Stenographer,-

(a) the candidates securing minimum 40% marks in each of the paper of Phase-I shall only be admitted to the Phase-II subject to fifteen times the total approximate number of vacancies to be filled in the year through the examination but in the said range all those candidates who secure the same marks as may be fixed by the Board for any lower range will be admitted to the Phase-II.

(b) if the Board is of the opinion that sufficient number of candidates belonging to reserved category are not available on the basis of general standard for appearing in the Phase-II, relaxed standard may be applied by the Board for admitting candidates belonging to such reserved category so that sufficient number of candidates in that category are available to appear in the Phase-II. For this purpose, the zone of consideration of 15 times the total approximate number of vacancies shall stand relaxed. However, candidates so additionally qualified for the Phase-II will be eligible for selection to the posts reserved for respective categories only.

(c) the Board will not recommend any candidate who makes more than 20% mistakes/error in the paper opted in Phase-II of the competitive examination for the post of Stenographer. However relaxation in maximum permissible mistakes/error in paper opted in Phase-II, upto 5% shall be available to Scheduled Castes/Scheduled Tribes category candidates.

(d) if the Board is of the opinion that sufficient number of candidates are not available in any category, Board may further relax maximum permissible mistakes/error upto 5% in Phase-II."

40. Bare comparison of the position of Rule 22 of the Rules of 1970 pre and post amendment would make it clear that prior to the amendment, the relevant rules contained no provision for

excluding candidates from the recruitment process on the basis of excessive mistakes in the skill test; instead, they permitted candidates numbering twice the vacancies to proceed to the further stage. The rule-making authority has consciously introduced the amendment to supplant this earlier mechanism with a stringent rider, stipulating that no candidate committing more than 20% mistakes (or 25% in the case of SC/ST candidates) in the skill test shall be permitted for further consideration. Such deliberate and well-considered amendments, manifestly aimed at upholding recruitment standards, cannot be lightly disregarded or rendered nugatory by the Board.

41. At the outset, it must be observed that the recruitment process in question is governed by the statutory rules framed under Article 309 of the Constitution of India and the advertisement issued by the respondents. It is a settled principle of law that the conditions prescribed in the recruitment rules and the advertisement are binding upon both the recruiting authority as well as the candidates and cannot be altered during the course of the selection process.

42. Clause 22(6)(iii) of the advertisement prescribes the maximum permissible mistakes in the skill test as 20% for general category candidates and 25% for candidates belonging to SC/ST categories. Clause 22(6)(iv) of the advertisement further provides that the Board may grant additional relaxation of up to 5% in the permissible mistakes if it is of the opinion that sufficient number of candidates are not available in any category.

43. Needless to observe that the prescription of a maximum permissible limit of mistakes in a selection process serves a definite and rational purpose. It operates as an objective benchmark to ensure that only those candidates who demonstrate a minimum level of accuracy, competence and skill are considered suitable for selection. Such a stipulation maintains the integrity and uniformity of the evaluation process by preventing the selection of candidates whose performance falls below the acceptable threshold of proficiency. The said limit, therefore, forms part of the minimum standard prescribed for recruitment and cannot be treated as a mere procedural formality capable of being diluted or ignored, as doing so would defeat the very purpose of maintaining quality and merit in the selection process.

44. Thus, the language employed in Clause 22(6)(iv) of the advertisement clearly indicates that the grant of additional relaxation is not a matter of routine but an exception which can be invoked only upon formation of an opinion by the Board that sufficient candidates are not available in a particular category.

45. It is well settled that the power to grant relaxation under the recruitment rules is in the nature of an exception to the normal rule of eligibility and selection, and therefore such power is required to be exercised with circumspection and only in exceptional circumstances. The primary object of prescribing eligibility conditions and qualifications in recruitment rules is to ensure that appointments to public posts are made through a fair and uniform process based on predetermined standards. The provision enabling relaxation is not intended to dilute or override

the main eligibility requirements in a routine or mechanical manner. Such relaxation can be invoked only in situations where the object of the recruitment cannot be achieved through the ordinary process, namely where suitable candidates fulfilling the prescribed conditions are otherwise not available. If relaxation is granted indiscriminately despite the availability of eligible candidates who satisfy the prescribed criteria without seeking such relaxation, it would defeat the very purpose of the recruitment rules and result in arbitrary exclusion of meritorious candidates. Therefore, the power of relaxation must be exercised sparingly, for valid and recorded reasons, and strictly in aid of the recruitment process rather than in a manner that undermines the rights of candidates who are otherwise fully eligible under the rules.

46. The expression "sufficient number of candidates" occurring in Rule 22 of the Rules of 1970 has to be interpreted in the context of the scheme of the recruitment rules and the object sought to be achieved thereby. The said expression cannot be read in isolation so as to permit the preparation of an unlimited or enlarged list of candidates. Rather, it must necessarily be correlated with the number of vacancies advertised in the recruitment process. The purpose of requiring a "sufficient number of candidates" is only to ensure that adequate number of candidates are available to fill the notified vacancies strictly within the framework contemplated by the rules. The expression cannot be stretched to justify the preparation of a list far exceeding the notified vacancies by including ineligible candidates, whether for the purpose of maintaining a reserve list or for preparing a list

twice the number of vacancies. If such an interpretation were to be accepted, it would defeat the very scheme of Rule 22 of the Rules of 1970 and, in particular, render proviso (ii) (c) of Rule 22 of the Rules of 1970 otiose, which clearly regulates the extent to which candidates can be recommended in the given contingencies. It is a settled principle of statutory interpretation that a provision must be construed in a manner that gives effect to every part of the rule and avoids rendering any clause redundant. Therefore, the expression "sufficient number of candidates" must be understood as referring only to the number reasonably necessary in relation to the advertised vacancies, and not as an enabling provision to expand the select list beyond what is contemplated under the rules.

47. This Court finds that the method of awarding different marks in Phase-I and Phase-II of the examination and to prepare the merit list on the basis of sum total of the marks awarded in Phase-I and Phase-II examination makes it clear that such phases of examination cannot be said to be simple shortlisting examination and is rather a composite examination, carrying substantial determinative value for the marks of each phase of examination for preparation of merit list, hence, in the light of principles laid down by the Hon'ble Supreme Court in the case of **Rajasthan High Court & Another vs. Rajat Yadav & Others, 2025 SCC OnLine SC 2931**, the respondent-Board was required to prepare category-wise list after the phase II examination.

48. The expression "any category" occurring in the relevant rule proviso (ii) (c) of Rule 22 of the Rules of 1970 cannot be

interpreted to mean all categories collectively, i.e., both reserved as well as unreserved categories taken together. Such an interpretation would run contrary to the scheme of reservation and the structured manner in which vacancies are distributed across different categories in the recruitment process. The phrase “any category” must necessarily be understood in its contextual sense to refer to a particular category in which a shortfall of eligible or selected candidates is noticed. The purpose of using the said expression is to enable the recruiting authority to address a deficiency arising in a specific category so that the vacancies earmarked for that category may not remain unfilled. If the expression “any category” were to be construed as including all categories simultaneously, it would defeat the category-wise framework of selection and reservation, and may lead to arbitrary adjustments across categories, which is impermissible under the established principles governing public employment. Therefore, a purposive interpretation of the rule requires that the expression “any category” be read as referring to a specific category where a shortage of candidates exists, and not as a reference to all categories collectively.

49. It is a settled principle of statutory interpretation that a rule or provision must be construed in its entirety and in the context of the scheme of the statute or rules, and not in isolation or in a piecemeal manner. Reading a provision selectively or by isolating certain expressions from the rest of the rule may lead to a distorted understanding of the legislative intent. The true import of a rule can be gathered only when all its parts are harmoniously

read together so as to give effect to the object sought to be achieved by the rule-making authority. Each clause of the rule must therefore be interpreted in a manner that complements the other provisions and advances the purpose of the rule, rather than rendering any part redundant or inconsistent. Thus, a holistic and contextual reading of the rule is imperative in order to ascertain the real intention of the rule-making authority and to ensure that the scheme of the rules operates in a coherent and meaningful manner.

50. When Clause 22 of the advertisement is read in its entirety, it becomes evident that the recruitment process envisages a structured mechanism for evaluating merit and shortlisting candidates at different stages. The relaxation clause cannot therefore be interpreted in a manner which defeats the very object of maintaining minimum standards of competence in the skill test.

51. In the present case, the material placed on record through the additional affidavit demonstrates that as many as 643 candidates in the Non-TSP area had qualified the skill test within the originally prescribed limits of permissible mistakes. When the total number of vacancies in the Non-TSP area is only 444, the availability of 643 candidates itself indicates that sufficient number of candidates were available without any relaxation. Although facts and figures given by the either side have been disputed by the other side, yet *prima facie*, it comes out that the category-wise data placed on record also indicates that the number of qualified candidates in General (303), OBC (53), EWS (158),

SC(71), ST(45) and MBC (13) categories (in total 643) exceeded the number of vacancies available in the respective categories even without granting additional relaxation.

52. More importantly, the expression “sufficient number of candidates” occurring in Clause 22(6)(iv) of the advertisement cannot be interpreted to mean twice the number of vacancies as suggested by the respondents. The said expression must necessarily be correlated with the number of vacancies advertised in each category. Any interpretation which enlarges the meaning of the expression beyond the number of vacancies would render the scheme of the rule redundant and defeat the object of prescribing a maximum permissible limit of mistakes in the skill test.

53. The manner in which the relaxation has been granted also raises serious concerns. The material on record suggests that the respondents first granted relaxation to reserved categories and thereafter extended the same relaxation to general category candidates in order to achieve a numerical target based on the Department of Personnel circular. Such an approach effectively converts an exceptional provision into a routine mechanism and undermines the minimum standards prescribed for the skill test.

54. It is equally important to note that the recruitment in question is for the post of Stenographer where proficiency in shorthand and transcription is an essential requirement. The purpose of prescribing a maximum permissible limit of mistakes is to ensure that only candidates possessing adequate skill are selected. Granting relaxation despite availability of sufficient

candidates defeats this objective and dilutes the standards of the examination.

55. It is well settled that wherever the rules confer a discretion upon the Selection Board to grant relaxation upon formation of an opinion, such opinion cannot be arbitrary or implicit. The same is required to be formed on the basis of objective consideration and must be recorded in writing, reflecting due application of mind to the relevant rule and the legislative intent underlying the provision. The power of relaxation, being an exception to the general rule prescribing eligibility conditions, must be exercised strictly within the scope and extent contemplated by the rules. It cannot be invoked in a manner that dilutes or defeats the fundamental purpose of prescribing minimum standards for recruitment, for otherwise the very scheme of the rules would stand frustrated.

56. The respondents, in their reply to the writ petition, have sought to justify the grant of additional relaxation by contending that sufficient number of candidates were not available within the originally prescribed limits and, therefore, in view of the circular dated 18.10.2021 issued by the Department of Personnel, the Selection Board formed an opinion to call candidates for document verification to the extent of twice the number of advertised vacancies. Since such justification formed the principal basis of the defence set up by the respondents, this Court considered it necessary to examine whether the said decision was actually preceded by any deliberation or consideration reflected in the official record. Accordingly, at the time of reserving the

judgment, this Court directed learned counsel appearing for the respondent-Board to produce the relevant record for the perusal of this Court in order to ascertain the manner in which such opinion had been formed by the Board. Accordingly, record was made available for perusal of this Court, and this court finds that decision to accord additional relaxation of 5% has been granted by the Board in following manner:

**"राजस्थान कर्मचारी चयन बोर्ड
RAJASTHAN STAFF SELECTION BOARD**

कार्यालय टिप्पणी

51 राजस्थान सचिवालय मंत्रालयिक सेवा नियम-1970, राजस्थान अधीनस्थ एवं मंत्रालयिक सेवा नियम-1999 एवं राजस्थान अनुसूचित क्षेत्र अधीनस्थ, मंत्रालयिक एवं चतुर्थ श्रेणी सेवा (भर्ती एवं अन्य सेवा शर्तें) नियम-2014 के अन्तर्गत क्रमशः शासन सचिवालय एवं प्रशासनिक सुधार विभाग के माध्यम से राज्य सरकार के अधीनस्थ विभागों/कार्यालयों के लिए शीघ्रलिपिक/निजी सहायक ग्रेड-II संयुक्त सीधी भर्ती-2024 के निम्नतालिका अनुसार पदों पर भर्ती में सम्मिलित अभ्यर्थियों से निर्धारित प्रपत्र में बोर्ड द्वारा ऑनलाईन आवेदन पत्र आमंत्रित किए जाकर विज्ञापन संख्या 07/2024 दिनांक 26.02.2024 तथा संशोधन दिनांक 16.12.2024 जारी गया था।

क्र.सं.	विभाग का नाम	पद का नाम	NTSP	TSP	Total
1.	शासन सचिवालय	शीघ्रलिपिक	194	-	194
2.	राज्य के अधीनस्थ विभाग/कार्यालय	निजी सहायक ग्रेड-II	250	26	276
कुल पद			444	26	470

52 उक्त पदों के लगभग 15 गुणा अभ्यर्थियों को इस परीक्षा के भाग-द्वितीय (फेज-II) (टंकण एवं आशुलिपि परीक्षण) हेतु अस्थाई रूप से दिनांक 23.12.2024 को सूचीबद्ध किया गया था। इन सूचीबद्ध अभ्यर्थियों की भाग-द्वितीय (फेज-II) (टंकण एवं आशुलिपि परीक्षण) का आयोजन दिनांक 19.03.2025 एवं 20.03.2025 को किया गया था। तत्पश्चात दिनांक 10.04.2025 को भाग-द्वितीय (फेज-II) (टंकण एवं आशुलिपि परीक्षण) को निरस्त कर दिनांक 29.06.2025 को दो पारियों में पुनः आयोजित किया गया था।

53 इसी क्रम में अभ्यर्थियों द्वारा ऑनलाईन आवेदन फार्म में दर्ज सूचनाओं एवं लिखित परीक्षा (फेज-I) तथा फेज-II (टंकण एवं आशुलिपि परीक्षण) दोनों में प्राप्तांकों के आधार पर अभ्यर्थियों की श्रेणीवार एवं वरीयतानुसार अस्थाई रूप से सूचियाँ तैयार की गई है। परीक्षा के भाग-द्वितीय (टंकण एवं आशुलिपि परीक्षण) में प्राप्त आवेदनों, परीक्षा तिथि, परीक्षा में उपस्थित अभ्यर्थियों की संख्या एवं अन्य विवरण निम्न प्रकार है:-

- परीक्षा में कुल अंक:- 300 (फेज-I (लिखित परीक्षा) के कुल अंक 200 (पेपर-प्रथम 100 अंक तथा पेपर-द्वितीय 100 अंक) एवं फेज-II (हिन्दी और

अंग्रेजी टंकण एवं आशुलिपि परीक्षण) में कुल अंक 100 (अंग्रेजी आशुलिपि परीक्षण-100 अंक या हिन्दी आशुलिपि परीक्षण-100))

- भाग-द्वितीय हेतु सूचीबद्ध अभ्यर्थी:- 3315
- भाग-द्वितीय (टंकण एवं आशुलिपि परीक्षण) में उपस्थित अभ्यर्थी :- 2774
- भाग-द्वितीय (टंकण एवं आशुलिपि परीक्षण) में अनुपस्थित अभ्यर्थी:- 541
- भाग-द्वितीय (टंकण एवं आशुलिपि परीक्षण) में उत्तीर्ण अभ्यर्थी :- 904
- भाग-द्वितीय (टंकण एवं आशुलिपि परीक्षण) में अनुत्तीर्ण अभ्यर्थी:- 1870
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54 बोर्ड के आदेश:- क्रमांक प12(3) RSB/ नि.स./अध्यक्ष/परिणाम-निर्देश/2020/656 दिनांक 18.01.2024 के अनुसार मा0 सदस्य डॉ. रिपुन्जय सिंह की अध्यक्षता में परीक्षा परिणाम समिति के सदस्य सचिव (उपसचिव परीक्षा) द्वारा उक्त सीधी भर्ती की विभाग द्वारा बोर्ड को प्रेषित अर्थना व बोर्ड की 328 वी बैठक में लिए गए निर्णय की पालना में भाग-द्वितीय (टंकण एवं आशुलिपि परीक्षण) में पात्र हुए अभ्यर्थियों को लिखित परीक्षा (फेज-I) एवं टंकण एवं आशुलिपि परीक्षण (फेज-II) दोनों में प्राप्त अंकों के आधार श्रेणीवार एवं वरीयतानुसार अस्थाई सूचियाँ परीक्षा परिणाम समिति के समक्ष प्रस्तुत की गई। समिति द्वारा इन सूचियों को परीक्षण किया गया। उक्त अस्थाई सूचियाँ निम्नांकित बिन्दुओं को दृष्टिगत रखते हुए तैयार करवाई गई।

1. उक्त परीक्षा में प्राप्तांकों की गणना 300 अंकों के आधार पर की गई है। जिसमें फेज-I (लिखित परीक्षा) के कुल अंक 200 (पेपर-प्रथम 100 अंक तथा पेपर-द्वितीय 100 अंक) एवं फेज- II (हिन्दी या अंग्रेजी टंकण एवं आशुलिपि परीक्षण) में कुल अंक 100 (अंग्रेजी आशुलिपि परीक्षण-100 अंक या हिन्दी आशुलिपि परीक्षण-100) निर्धारित हैं।

2. अभ्यर्थियों के अंकों की गणना परीक्षा के फेज- I एवं फेज- II दोनों में प्राप्त अंकों के आधार पर की गई है।

3. भर्ती परीक्षा के सेवा नियमों के अन्तर्गत फेज- I एवं फेज- II दोनों में पात्र अभ्यर्थियों की श्रेणीवार एवं वरीयतानुसार अस्थाई सूचियाँ तैयार की गई है।

4. उक्त सीधी भर्ती के विज्ञापन के बिन्दु संख्या 22(6) (i) के अनुसार फेज- I के प्रत्येक प्रश्न पत्र में न्यूनतम 40 प्रतिशत अंक और बिन्दु संख्या 22(6) (iii) के अनुसार फेज- II में वैकल्पिक प्रश्न पत्र में अनुज्ञात 20 प्रतिशत से अधिक भूल/गलती तथापि अनुसूचित जाति/अनुसूचित जनजाति प्रवर्ग के अभ्यर्थियों को फेज- II में वैकल्पिक प्रश्न पत्र में अधिकतम अनुज्ञात भूल/गलती में 5 प्रतिशत तक शिथिलन किया जायेगा निर्धारित है। विज्ञप्ति के बिन्दु संख्या 22(6) के सब बिन्दु (iv) के अनुसार फेज-II में सभी संवर्ग के अभ्यर्थियों को अनुज्ञात भूल/गलती में 5 प्रतिशत का अतिरिक्त शिथिलन दिया गया है। इस प्रकार अनुसूचित जाति/अनुसूचित जनजाति/सहरिया एवं भूतपूर्व सैनिकों को अनुज्ञात भूल/गलती कुल 10 प्रतिशत तक शिथिलन दिया गया है।

5. फेज- II (हिन्दी या अंग्रेजी टंकण एवं आशुलिपि परीक्षण) में कुल अंक 100 (अंग्रेजी आशुलिपि परीक्षण-100 अंक या हिन्दी आशुलिपि परीक्षण-100) निर्धारित है।

6. परीक्षा अनुभाग से प्राप्त रिपोर्ट के अनुसार इस परीक्षा में अनुचित साधनों व नकल करने वाले अभ्यर्थियों सूचना शून्य है।

7. विधि अनुभाग से प्राप्त रिपोर्ट के अनुसार उक्त भर्ती का अंतिम परीक्षा परिणाम एसबी सिविल रिट याचिका संख्या 4760/2024 के अध्यक्षीन रहेगा।

8. विधि अनुभाग से प्राप्त सूचना अनुसार बोर्ड द्वारा आदिनांक तक प्रतिबन्धित **(Debarred)** अभ्यर्थी की सूची में अंकित कोई भी अभ्यर्थी इस परीक्षा में शामिल होना नहीं पाया गया है।

9. उक्त परीक्षा के भाग-द्वितीय (टंकण एवं आशुलिपि परीक्षण) परीक्षा में शब्द वर्तनी, अतिरिक्त शब्द, छूटे हुये शब्द, अनुत्तरित शब्द को पूर्ण भूल/गलती तथा विराम चिन्ह, मिल हुये शब्द, विभाजित शब्द तथा दीर्घ/लघु शब्दों को अर्द्ध भूल/गलती माना गया है।

55 इस प्रकार शीघ्रलिपिक/निजी सहायक ग्रेड-II संयुक्त सीधी भर्ती-2024 में कुल 470 रिक्त पदों के विरुद्ध 904 उत्तीर्ण अभ्यर्थियों को श्रेणीवार व वरीयतानुसार सूचीबद्ध किया गया है। यह वरीयता सूची अभ्यर्थियों द्वारा ऑनलाईन आवेदन फार्म में दर्ज सूचनाओं एवं लिखित परीक्षा (फेज-I) एवं टंकण एवं आशुलिपि परीक्षण (फेज-II) दोनों में प्राप्तांकों के आधार पर तैयार की गई है। इन अभ्यर्थियों में से यथेष्ट संख्या में दस्तावेज सत्यापन संबंधित विभाग द्वारा किया जाएगा।

56 श्रेणीवार एवं वरीयतानुसार तैयार सूचियों को बोर्ड से अनुमोदन उपरांत बोर्ड की वेबसाईट पर प्रकाशित करने एवं विभाग को भेजे जाने की अनुशंसा की जाती है।"

57. Upon perusal of the original record produced before the Court, particularly, the note-sheets relating to the decision-making process, this Court finds that there is absolutely no reference whatsoever to circular dated 18.10.2021 issued by the Department of Personnel. The record neither discloses any discussion or deliberation regarding the applicability of the said circular, nor is there any indication that the Board had consciously taken a decision to call candidates to the extent of twice the number of vacancies on the basis of the said circular. The entire record placed before this Court is conspicuously silent on this aspect. In the absence of any such reference in the official record, the assertion made in the reply filed by the respondents that the decision was taken in view of the aforesaid circular cannot be accepted. It is, thus, evident that the stand taken in the reply is not borne out from the record of the decision-making process. The defence sought to be raised by the respondents, being contrary to

the record itself, is therefore, liable to be rejected as baseless and unsustainable.

58. That apart, a perusal of the note-sheets further reveals that although the Board recorded a decision to grant additional relaxation of 5% in permissible mistakes by invoking proviso (ii) (d) of Rule 22 of the Rules of 1970, the said decision appears to have been taken in a wholly mechanical and casual manner. The note-sheets do not disclose any discussion regarding the number of candidates who had already qualified within the originally prescribed limits of permissible mistakes, nor do they indicate any category-wise assessment of availability of candidates. There is also no analysis reflected in the record as to whether there existed any shortfall of candidates in any particular category which would justify invocation of the relaxation clause. The record is entirely silent on these crucial aspects which ought to have formed the basis for the formation of an opinion under Rule 22(ii)(d) of the Rules of 1970.

59. It is significant to note that the language of Rule 22(ii) (d) of the Rules of 1970 contemplates that the power to grant relaxation can be exercised only after the Selection Board forms an opinion that sufficient number of candidates are not available in any category. The formation of such opinion cannot be an empty formality or a mere eyewash; it must be founded upon objective consideration of relevant material and a proper analysis of the factual position regarding availability of eligible candidates. Where the rule itself makes the formation of an opinion a condition precedent for exercise of the power of relaxation, the decision

must necessarily reflect application of mind to the relevant factors, including the number of candidates already available within the prescribed limits and the existence of any actual shortfall in a particular category.

60. In the present case, however, the record placed before this Court does not indicate that any such exercise was undertaken by the Board prior to granting relaxation. The decision appears to have been taken abruptly without any objective assessment of the factual position. Such a mechanical exercise of discretion is clearly inconsistent with the requirement of the rule and cannot be sustained in law. When the statute or the rules require formation of an opinion based on relevant considerations, the authority concerned must demonstrate through the record that the decision was preceded by due deliberation and application of mind. In the absence of such material, the decision granting relaxation cannot be said to be a valid exercise of the power conferred under Rule 22(ii)(d) of the Rules of 1970. In view of the above discussion, this Court is of the considered opinion that the respondents were not justified in granting the additional relaxation of 5% in the permissible mistakes in Phase-II of the examination. The conditions stipulated in Clause 22(6)(iv) of the advertisement for invoking such relaxation were not satisfied as sufficient number of candidates were already available within the original permissible limits.

61. Notwithstanding the aforesaid observation, assuming for a moment that the Respondent Government took a policy decision in the form of circular dated 18.10.2021, then to consider

as to whether such policy decision is in consonance with the prevailing Rule or not?, this court proceeded further to examine the said circular dated 18.10.2021 in the context of the Rule.

Relevant part of the circular is extracted hereunder:

**"राजस्थान सरकार
कार्मिक (क-2) विभाग**

क्रमांक: प. 7(1)कार्मिक/क-2/2019

जयपुर, दिनांक 18.10.2021

परिपत्र

विषय:— भर्ती प्रक्रिया के संबंध में निर्देश।

भर्तियों को नियमित एवं समयबद्ध रूप से सम्पन्न करने तथा भर्ती प्रक्रिया को सुदृढ़ करने के लिए इस विभाग के समसंख्यक परिपत्र दिनांक 05.04.2021 के अतिक्रमण में निम्नानुसार निर्देश जारी किये जाते हैं:—

1. रिक्तियों का निर्धारण एवं भर्ती अर्थना—

XXXXXXXXXXXXXXXXXXXX

2. भर्ती कैलेंडर एवं विज्ञापन प्रकाशन:—

XXXXXXXXXXXXXXXXXXXX

3. परीक्षा परिणाम, दस्तावेज सत्यापन एवं चयन सूची अभिस्तावना

परिणाम जारी होने के पश्चात दस्तावेज सत्यापन एवं चयन सूची की अभिस्तावना पूरी तरह से आयोग/बोर्ड/अन्य संस्था की आंतरिक कार्यवाही है तथापि आयोग/बोर्ड द्वारा दस्तावेज सत्यापन के कार्य में प्रशासनिक विभागों का भी सहयोग लिया जाता है। अतः परीक्षा परिणाम, दस्तावेज सत्यापन एवं चयन सूची अभिस्तावना के कार्य को समयबद्ध रूप से सम्पन्न करने के लिए निम्नानुसार कार्यवाही सुनिश्चित की जाये:—

3.1 परीक्षा परिणाम जारी करना भर्ती संस्था का विशेषाधिकार है तथापि भर्ती संस्था से यह अपेक्षित है कि अंतिम परिणाम को जारी किये जाने से पूर्व ही प्रक्रिया/नियमों/पात्रता/प्रश्नपत्र संबंधी आपत्तियाँ, यदि कोई हो, तो उनका निस्तारण करते हुए परिणाम को त्रुटिरहित जारी किया जावे एवं न्यायालय आदेश को छोड़कर यथासम्भव संशोधित परिणाम जारी नहीं किया जाना चाहिए।

3.2 परीक्षा परिणाम जारी होने के पश्चात् दस्तावेज सत्यापन की प्रक्रिया में बहुत अधिक समय लगता है। कई बार अनुपस्थित अभ्यर्थियों के कारण मेरिट एवं परीक्षा परिणाम में परिवर्तन होता है तथा चयन सूची कई चरणों में प्रेषित की जाती है, परिणामस्वरूप भर्ती पूर्ण होने में विलंब होता है। इन सबके मद्देनजर भर्ती एजेंसी द्वारा दस्तावेज सत्यापन हेतु यथेष्ट संख्या (रिक्तियों के लगभग न्यूनतम 2 गुणा) में अभ्यर्थियों को आमंत्रित किया जाए ताकि मुख्य सूची एवं आरक्षित सूची हेतु यथावश्यक अभ्यर्थी उपलब्ध हो सकें।

3.3 भर्ती एजेंसी द्वारा भर्ती परीक्षा का अन्तरिम परिणाम जारी करने के पश्चात् दस्तावेज सत्यापन का कार्य एक निर्धारित समय सीमा—अधिकतम 45 दिवस, के अंदर किया जाना चाहिए, जिसमें प्रथम अवसर पर अनुपस्थित रहने वाले अभ्यर्थियों को दिए जाने वाले पुनः अवसर की समयावधि शामिल है। रिक्तियों

की संख्या बहुत अधिक होने की स्थिति में आवश्यक होने पर इसे 15 दिवस ओर बढ़ाया जा सकता है।

3.4 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

3.5 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx"

62. Rule 22 of the Rules of 1970, in its erstwhile form (prior to amendment), provided for preparation of a list of candidates, after Phase-II examination, to the extent of twice the number of vacancies advertised. However, the said provision has subsequently been substituted by way of amendment, whereby the rule-making authority consciously introduced a different mechanism by prescribing a maximum permissible limit of mistakes in the skill test of the Phase-II examination. The legislative intent behind the amendment is thus manifest, namely, to depart from the earlier system of preparing the list on the basis of a mathematical formula of twice the number of vacancies and instead to regulate eligibility through an objective benchmark of permissible mistakes. Such a deliberate and considered amendment to the statutory rules cannot be diluted or circumvented by the respondents by placing reliance upon an administrative circular issued by the Department of Personnel providing for preparation of a list of candidates twice the number of vacancies in anticipation of possible contingencies at the stage of document verification. Recourse to such a circular would, in effect, amount to undoing the conscious amendment carried out under the Rules, which is impermissible in law, as administrative instructions cannot override, modify, or defeat the mandate of statutory rules.

63. Even otherwise, this Court finds that there exists no rational or legal correlation between the circular dated 18.10.2021 issued by the Department of Personnel and the mandate contained in proviso (ii)(d) of Rule 22 of the Rules of 1970 governing the recruitment process. As has been observed hereinabove, proviso (ii)(d) of Rule 22(iv) of the Rules of 1970 specifically encapsulates that relaxation in the permissible mistakes in the skill test may be granted only up to a maximum limit of 5% and not beyond that. The rule, thus, places a clear upper cap on the extent of relaxation that can be granted in the evaluation of the skill test. In contrast, the circular relied upon by the respondents merely provides that candidates to the extent of at least twice the number of advertised vacancies should be called for document verification or further stages of the recruitment process. The object, scope and operational field of the two provisions are therefore fundamentally different.

64. In order to appreciate the incongruity between the two, it may be useful to examine the situation by way of illustration. Suppose, for instance, that against 444 advertised vacancies, only 200 candidates fall within the zone of consideration by satisfying the prescribed limit of 20% permissible mistakes for unreserved candidates and 25% permissible mistakes for candidates belonging to SC/ST categories. Even if the Selection Board was to exercise the power under Rule 22(iv) of the Rules of 1970 and grant the maximum permissible relaxation of an additional 5% in mistakes and assuming that only 50 more candidates fall within the extended zone of consideration, the total number of eligible

candidates would still be only 250. In such a scenario, the rule itself would not permit the inclusion of any further candidates in the merit list beyond those who fall within the permissible limit of mistakes even after the maximum relaxation allowed under the rule.

65. Similarly, even in a relatively better hypothetical situation where, against 444 advertised vacancies, 400 candidates satisfy the original criteria of 20% or 25% permissible mistakes and, upon granting the additional relaxation of 5%, another 100 candidates become eligible, the total number of candidates who could legitimately fall within the zone of consideration would be 500. However, even in such a situation, the number of candidates who could be considered cannot exceed those who satisfy the maximum permissible limits prescribed under the rule. The rule itself imposes an upper cap on relaxation and does not contemplate any further enlargement of the zone of consideration beyond that limit.

66. On the other hand, the circular relied upon by the respondents contemplates calling candidates to the extent of at least twice the number of vacancies advertised. In the context of the present recruitment, such a benchmark would require calling at least 888 candidates against 444 vacancies. It is evident that in the hypothetical situations discussed above, achieving such a benchmark would be impossible without breaching the maximum permissible limit of mistakes prescribed under Rule 22(iv) of the Rules of 1970. In other words, compliance with the circular would

necessarily require dilution of the upper cap prescribed under the rule.

67. This clearly demonstrates that the circular dated 18.10.2021 cannot operate in harmony with the restrictions imposed under Rule 22(iv) of the Rules of 1970. The rule places a substantive limitation on the extent to which relaxation can be granted in the skill test, whereas the circular proceeds on an entirely different premise relating to the number of candidates to be called for document verification. Where the statutory rules impose a specific ceiling or restriction, the same cannot be circumvented or diluted by reliance upon administrative instructions.

68. In the case of **R. Ranjith Singh & Others (supra)**, the Hon'ble Supreme Court has held as under:

"19. Learned Senior Counsel for the appellants has demonstrated before this Court that the Appellant R. Ranjith Singh has secured 79.10 marks and he was the first rank holder and one Santhakumari who was a departmental candidate has secured 69.27 marks; however, Santhakumari has been placed over and above the persons who have obtained higher marks and in fact all the departmental candidates have obtained less marks than the open category candidates under the direct requirement quota and have been placed over and above the persons who have obtained more marks only because they are the in-service candidates. In the considered opinion of this Court, such an action on the part of the Respondent State is against the settled canons of law. In respect of fixation of seniority of direct recruitments, the unamended rule i.e Rule 25 was very clear which provided for fixation of seniority with reference to the rank assigned by the appointing authority in the list of selected candidates. It is unfortunate that the State Government has amended Rule 25 by G.O. dated 21.11.2017 by giving it retrospective effect i.e. with effect from 13.07.1995. The State Government has certainly issued various executive directions from time to time for appointment under the direct recruitment quota providing reservation to in-service candidates to the extent of 20%; however, the rules were never amended till 21.11.2017. It is a well settled proposition of law that executive instructions cannot supplant the statutory rules. They can supplement/clarify the statutory rules. In the present case, the executive instructions issued from time to time have in

fact supplanted the statutory rules and such a process is unheard of in the field of service jurisprudence.

20. *This Court in the case of State of Madhya Pradesh v. G.S. Dall and Flour Mills, 1992 Supp (1) SCC 150 has held that executive instructions can supplement a Statute or cover areas which the Statute does not extend. They cannot run contrary to the statutory provisions or whittle down their effect. In the present case, the G.O. dated 13.07.1995, G.O. dated 24.10.1996 and G.O. dated 10.06.2009 are executive instructions and based upon the executive instructions, the statutory provisions as contained under the statutory rules could not have been made applicable as has been done in the present case.*

21. *This Court in the case of Jaiveer Singh v. The State of Uttarakhand, 2023 INSC 1024 has held as under:*

"34. It can thus be seen that it is a trite law that the Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point, it can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed. It is a settled proposition of law that an authority cannot issue orders/office memorandum/executive instructions in contravention of the statutory rules. However, instructions can be issued only to supplement the statutory rules but not to supplant it.

This Court has again held in the aforesaid case that the Government cannot issue executive instructions in contravention of the statutory rules."

69. Similarly, in the case of **Jaiveer Singh & Others (supra)**, it has been observed by the Hon'ble Supreme Court, as under:

"44. It will be apposite to refer to the following observations of this Court in ESI Corpn. v. Union of India, (2022) 11 SCC 392, wherein this Court has referred to its earlier judgments including that of a Constitution Bench: (SCC pp. 403-405, paras 15-17)

"15. A Constitution Bench in Sant Ram Sharma v. State of Rajasthan 1967 SCC OnLine SC 16 considered the applicability of the letters issued by the Government of India detailing the administrative practice for promotions, against the Indian Police Service (Regulation of Seniority) Rules, 1954. The Constitution Bench held that: (SCC OnLine SC para 7)

'7. We proceed to consider the next contention of Mr N.C. Chatterjee that in the absence of any statutory rules governing promotions to selection grade posts the Government cannot issue administrative instructions and such administrative instructions cannot impose any restrictions not found in the Rules already framed. We are unable to accept this argument as correct. It is true that there is no specific provision in the Rules laying down the principle of promotion of junior or senior

grade officers to selection grade posts. But that does not mean that till statutory rules are framed in this behalf the Government cannot issue administrative instructions regarding the principle to be followed in promotions of the officers concerned to selection grade posts. It is true that Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed.'

16. In *Union of India v. Ashok Kumar Aggarwal*, (2013) 16 SCC 147 a two-Judge Bench of this Court speaking in the context of service regulations governing a departmental enquiry reiterated that an Office Order or office memorandum cannot contravene statutory rules. B.S. Chauhan, J. noted the position in law in the following terms: (SCC p. 172, para 59)

*'59. The law laid down above has consistently been followed and it is a settled proposition of law that an authority cannot issue orders/office memorandum/executive instructions in contravention of the statutory rules. However, instructions can be issued only to supplement the statutory rules but not to supplant it. Such instructions should be subservient to the statutory provisions. (Vide *Union of India v. Majji Jangamayya*, (1977) 1 SCC 606, *P.D. Aggarwal v. State of U.P.*, (1987) 3 SCC 622, *Paluru Ramkrishnaiah v. Union of India*, (1989) 2 SCC 541, *C. Rangaswamaiah v. Karnataka Lokayukta*, (1998) 6 SCC 66 and *Joint Action Committee of Air Line Pilots' Assn. of India v. DG of Civil Aviation*, (2011) 5 SCC 435.)'*

17. In *P.D. Aggarwal v. State of U.P.*, (1987) 3 SCC 622 a two-Judge Bench of this Court declined to grant primacy to an office memorandum issued by the Government of Uttar Pradesh which purportedly amended the method of recruitment of Assistant Civil Engineers in the U.P. Public Service Commission without amending the relevant regulations. The Court held: (SCC p. 640, para 20)

*'20. The office memorandum dated 7-12-1961 which purports to amend the United Provinces Service of Engineers (Buildings and Roads Branch) Class II Rules, 1936 in our opinion cannot override, amend or supersede statutory rules. This memorandum is nothing but an administrative order or instruction and as such it cannot amend or supersede the statutory rules by adding something therein as has been observed by this Court in *Sant Ram Sharma v. State of Rajasthan*. Moreover the benefits that have been conferred on the temporary Assistant Engineers who have become members of the service after being selected by the Public Service Commission in accordance with the service rules are entitled to have their seniority reckoned in accordance with the provisions of Rule 23 as it was then, from the date of their becoming*

member of the service, and this cannot be taken away by giving retrospective effect to the Rules of 1969 and 1971 as it is arbitrary, irrational and not reasonable.' "

(emphasis in original)

45. *It can thus be seen that it is a trite law that the Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point, it can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed. It is a settled proposition of law that an authority cannot issue orders/office memorandum/executive instructions in contravention of the statutory rules. However, instructions can be issued only to supplement the statutory rules but not to supplant it."*

70. In the case of **Union of India & Another vs. Ashok Kumar Aggarwal (supra)**, the Hon'ble Supreme Court laid down the following principles:

"58. *A Constitution Bench of this Court while dealing with a similar issue in respect of executive instructions in Sant Ram Sharma v. State of Rajasthan AIR 1967 SC 1910, held: (AIR p. 1914, para 7)*

"7. ... It is true that the Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point the Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed."

59. *The law laid down above has consistently been followed and it is a settled proposition of law that an authority cannot issue orders/office memorandum/executive instructions in contravention of the statutory rules. However, instructions can be issued only to supplement the statutory rules but not to supplant it. Such instructions should be subservient to the statutory provisions. (Vide Union of India v. Majji Jangamayya (1977) 1 SCC 606, P.D. Aggarwal v. State of U.P. (1987) 3 SCC 622, Paluru Ramkrishnaiah v. Union of India (1989) 2 SCC 541, C. Rangaswamaiah v. Karnataka Lokayukta (1998) 6 SCC 66 and Joint Action Committee of Air Line Pilots' Assn. of India v. DG of Civil Aviation (2011) 5 SCC 435)*

60. *Similarly, a Constitution Bench of this Court, in Naga People's Movement of Human Rights v. Union of India (1998) 2 SCC 109, held that the executive instructions have binding force provided the same have been issued to fill up the gap between the statutory provisions and are not inconsistent with the said provisions."*

71. Therefore, even otherwise, the circular relied upon by the respondents cannot be said to be in consonance with the

recruitment rules governing the present selection. Application of such a circular in the manner suggested by the respondents would effectively frustrate the very object of the rule by compelling the Selection Board to enlarge the zone of consideration beyond the maximum limit of relaxation permitted under the rules. Such an interpretation would render the statutory restriction meaningless and cannot be sustained in law. Consequently, the reliance placed by the respondents on the circular dated 18.10.2021 for justifying the impugned relaxation is wholly misplaced and untenable.

72. This court finds that even where the rules contemplate the preparation of a reserve or waiting list in the course of a recruitment process, such list can be drawn only from amongst those candidates who have successfully met the prescribed minimum eligibility criteria and standards of selection. The object of maintaining a waiting list is merely to fill vacancies that may arise due to non-joining or resignation of selected candidates, and not to enlarge the zone of eligibility or dilute the prescribed benchmarks. Consequently, the minimum standards stipulated under the rules cannot be relaxed solely for the purpose of preparing or extending a reserve list, as doing so would amount to circumventing the statutory scheme governing recruitment and would undermine the requirement of maintaining the prescribed level of merit and eligibility. Consequently, the action of the respondents in granting the additional relaxation is arbitrary and contrary to the scheme of the recruitment rules and the advertisement.

73. Accordingly, writ petitions deserve to be allowed and the same are allowed. The action of the respondents in granting additional relaxation of 5% in the maximum permissible mistakes/errors in Phase-II of the examination across all the categories, even where number of candidates equal to or more than advertised vacancies are already available without granting such additional relaxation of 5%, is hereby declared to be illegal and contrary to Clause 22(6)(iv) of the advertisement dated 26.02.2024 as well as proviso (ii)(d) of Rule 22 of the Rules of 1970. However, the respondents are at liberty to grant such additional relaxation of 5% in respect of particular categories, where candidates equal to or more than vacancies advertised have not qualified the phase-II examination without granting such relaxation.

74. The provisional merit list dated 25.09.2025 and subsequent final merit list issued vide press note dated 21.10.2025 are hereby quashed and set aside. The respondents are directed to prepare a fresh merit list by applying the originally prescribed limits of permissible mistakes i.e. 20% for unreserved category candidates and 25% for SC/ST candidates as per proviso (ii) (c) of Rule 22 of the Rules of 1970; and to apply additional relaxation of 5% as per proviso (ii) (d) of Rule 22 of the Rules of 1970 only in respect of particular category, where candidates equal to or more than the number of vacancy could not qualify phase-II without availing such additional relaxation. Only after carrying out the above referred exercise, the respondents shall

proceed further with the recruitment process in accordance with law.

75. The entire exercise shall be completed by the respondents within a period of 45 days from the date of receipt of certified copy of this order.

76. Original record of the case submitted by learned counsel for the respondent-Board has been returned to him in sealed cover.

77. Pending applications, if any, stand disposed of.

78. Office is directed to place a copy of this judgment on record of each connected writ petition.

(ANAND SHARMA),J

MANOJ NARWANI /***