

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 17961/2025

Mamta Bai Wife Of Late Shri Ajay Kumar

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. Ashok Bansal with Mr. Ayush Bansal
For Respondent(s)	:	Mr. Abhishek Sharma with Mr. Vishal Kumar for Mr. Manoj Sharma, AAG Mr. Prakhar Jain for Mr. Archit Bohra, AGC

HON'BLE MR. JUSTICE SAMEER JAIN

Order

07/01/2026

Learned counsel for the petitioner has submitted that petitioner is a widow, having three children, one of them being adopted. It is submitted that a notification in this regard came to be issued by the Department of Personnel, stating that in the cases of widow and divorcee, provisions regarding disqualification on account of third child is not applicable. It is further submitted that in the instant case, third child is adopted and not biological child of the petitioner.

Learned counsel has placed reliance in this regard on the judgment of this Court passed in **SBCWP No. 33742/2019** titled **Sunita Dhawan v. State of Rajasthan & Anr.**, wherein similar proposition was accepted by the respondent-State. Howsoever, an appeal has been preferred against the said judgment, but no interim order has been passed therein.

It is further submitted that the same constitutes binding precedent and the State cannot take a contradictory stand in respect thereof. It is submitted that the relevant Rule was amended with effect from 26.07.2021, whereas the petitioners' appointment was made on 14.04.2021.

Heard.

Considering the facts and circumstances of the instant case, the matter is admitted.

Parties are directed to complete the pleadings within an upper limit of four weeks.

List the matter on 11.02.2026.

In the meantime, further proceedings pursuant to the charge-sheet dated 27.05.2025 *qua* petitioner, shall remain stayed.

(SAMEER JAIN),J