

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No.19883/2023

Satya Narayan Tak S/o Late Shri Ganga Ram

-----Petitioner

Versus

State Of Rajasthan & Another

-----Respondents

For Petitioner(s) : Mr. R.N. Mathur, Senior Advocate
assisted by Mr. Shovit Jhajharia,
Advocate

HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA

HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

22/12/2023

Heard on application for amendment.

It is submitted that though in the body of petition a prayer for issuance of writ of mandamus to declare Section 31 of the Rajasthan Technical University, 2006 (hereinafter referred to as "the Act of 2006") as ultra vires has been made and also to comply with AICTE Regulations, 2019 for increasing the age of superannuation/retirement of the petitioner to 65 years, due to inadvertent omission, specific prayer in this regard was not made. It is, further, submitted that in the note appended to the petition also, it has been clearly stated that vires of Section 31 of the Act of 2006 has been challenged in the present petition.

It appears that this case was listed before this Bench in view of note appended to the petition that the vires of Section 31 of the Act of 2006 has been challenged. We also find that in the body of the petition, it has been filed seeking writ of mandamus to declare Section 31 of the Act of 2006 as ultra vires and to direct the respondents to comply with the AICTE Regulations, 2019 and

increase the age of superannuation/retirement of the petitioner to 65 years.

In view of above consideration and that so far no notice has been issued and the case is listed for admission, the application is considered and allowed.

The amended petition be filed on or before 02.01.2024.

Issue notice to the respondents on payment of P.F. by 03.01.2024, returnable within a period of three weeks.

Taking into consideration the submission of learned counsel for the petitioner that petitions raising identical issues have been entertained and interim protections have been granted by this Court in the cases of Sunil Sharma Versus State of Rajasthan, D.B. Civil Writ Petition No.932/2023 at Principal Seat Jodhpur, Dr. Ashok Kumar Sharma Versus State of Rajasthan & Another, D.B. Civil Writ Petition No.5846/2023 at Jaipur Bench and Kalpana Bhardwaj Versus State of Rajasthan & Others, D.B. Civil Writ Petition No.18362/2023 at Principal Seat, Jodhpur, till the next date of hearing, we are inclined to protect the present petitioner also and direct that if the petitioner has not been superannuated from his post, he shall continue to serve the University in the present capacity/position on which he is working as on the date.

We reserve the right of the respondents to move application for vacating the stay, if required.

List this case on 25.01.2024 along with D.B. Civil Writ Petition No.5846/2023.