

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20031/2023
Kajal Prajapat D/o Shri Yashodanand Prajapat
-----Petitioner
Versus
Secretary, Rajasthan Staff Selection Board
-----Respondent
Connected With

S.B. Civil Writ Petition No. 17077/2023
Kajal Prajapat D/o Shri Yashodanand Prajapat
-----Petitioner
Versus
Secretary, Rajasthan Staff Selection Board
-----Respondent

S.B. Civil Writ Petition No. 20657/2023
Ashok Kumar Meena S/o Raghuveer Prasad Meena
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

S.B. Civil Writ Petition No. 185/2024
Vikram Singh Gurjar Son Of Shri Raghuveer Singh Gurjar
-----Petitioner
Versus
State Of Rajasthan
-----Respondent

For Petitioner(s)	:	Mr. Girraj P. Sharma Mr. Ram Ratan Gurjar
For Respondent(s)	:	Mr. Nalin G. Narain, AGC

HON'BLE MR. JUSTICE SAMEER JAIN

Order

06/02/2024

Learned counsel for the petitioners has submitted that the petitioners are ministerial employees rendering their services in

the respective departments and as such, are entitled to get the benefit of horizontal reservation in the available recruitment on the post of Junior Accountant and Tehsil Revenue Accountant under the Direct Recruitment- 2022 pursuant to the release of Advertisement No.2/23 dated 20.06.2023. It is averred that in the previous advertisement dated 21.09.2022, the petitioners have cleared the Common Eligibility Test, standing high on merit. Learned counsel further averred that at the present stage of examination, no prejudice shall be caused to any third-parties. Lastly, it was averred that as the substantive rights of horizontal reservation are not disputed, the respondent-State being a welfare body, must adopt a sympathetic view in favour of the petitioner.

Per contra, learned counsel for the respondent- State has submitted that vide order dated 23.06.2023, relaxation was granted to the candidates like the petitioners to correct any anomalies or deficiencies in the application forms. For the same, a period of one month and seven days was granted. However, despite the grant of the same, the petitioners remained silent and did not carry out the rectifications. Therefore, if they are permitted to do so now, it shall create administrative difficulties for the respondents, opening a Pandora's box.

Considering the contentions advanced by learned counsel for the parties and relying upon the order passed in **S.B. Civil Writ Petition No.9668/2023** titled as **Surendra Vs. State of Rajasthan** wherein Co-ordinate Bench of this Court has given directions qua the petitioners for appointment on the post of Junior Accountant and Tehsil Revenue Accountant to be considered

provisionally treating the petitioners as employees of Ministerial Department irrespective of any deficiencies.

In the foregoing facts and circumstances and considering the *prima facie* case, we are inclined to grant the same benefit to the petitioners to appear in the examination provisionally which is stated by learned counsel for the parties to be organized on 11.02.2024 or thereafter in the Ministerial Employee Category.

List on 09.04.2024.

(SAMEER JAIN),J