

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 21914/2019

Puneet Shrivastava Son Of Shri Purshottam Shrivastava, Aged About 35 Years, Resident Of Nagarpalika Colony, Behind Sanskrit College, Kota Road, Baran, District Baran (Raj.)

-----Petitioner

Versus

1. Rajasthan State Road Transport Corporation, Parivahan Marg, Chomu House, Jaipur Through Its Secretary
2. Managing Director, Rajasthan State Road Transport Corporation, Head Office Parivahan Marg, Chomu House, Jaipur.
3. Member Secretary, Service Selection Board, Rajasthan State Road Transport Corporation, Parivahan Marg, Chomu House, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Sultan Singh Kuri Mr. Prince Choudhary
For Respondent(s)	:	Mr. Tarun Kumar Verma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

12/02/2026

1. Instant writ petition is filed with following prayer;-

i. By issuing an appropriate writ, order or direction the respondents RSRTC my kindly be directed to give the reinstate the petitioner on the post of conductor with all consequential benefits by treating him at par with those candidates who were already given appointment on the said post and they are also having less marks then the cut off marks after revision of marks.

ii. Any other order which this Hon'ble Court deemed just and proper in the facts and circumstance of the case may also be passed in favour of the petitioner.

2. Learned counsel for petitioner submits that this writ petition be disposed of in light of ratio laid down in case of **Hanuman Singh Vs. RSRTC and Anr.: Civil Appeal No.4302/2016** passed by Hon'ble Supreme Court. He further placed reliance upon order dated 20.12.2021 in **D.B. Civil Appeal Writ No.255/2020** titled as **CMD and Anr. Vs. Avinash Sharma and Ors.** and submits that aggrieved from review judgment dated 01.05.2019 passed by learned Single Judge, a D.B. Special Appeal Writ preferred by the respondents was also dismissed.

3. Learned counsel appearing on behalf of respondents submits that the issue was considered by a Division Bench in D.B. Special Appeal Writ No.1396/2012, wherein certain directions were issued and the respondents have challenged said order before Hon'ble Supreme Court by filing SLP (Civil) No.37928/2016. He further referred order dated 25.04.2017 and submits that the order passed by the Division Bench on 27.09.2016 was modified and selection was restricted to 6032 candidates (number of conductors, who qualified for the "trade test"). He submits that afterwards the RSRTC has completed the process of selection and the judgment in case of **Hanuman Singh Vs. RSRTC and Anr. (supra)** is not applicable.

4. Having considered the submission and also the material placed on record, the facts of the case clearly indicate that pursuant to advertisement No.219/2009-10 issued by the respondents for recruitment on posts of drivers/conductors/Artisan

Grade-II & III, the petitioner has filed an application and he has successfully qualified in written examination, which was held on 09.01.2011. After the final selection, the petitioner was appointed on the posts conductor vide order dated 06.01.2012 and 29.02.2012. The petitioner was served a notice to provide proof of possessing licence of heavy vehicle and ultimately, the services of petitioner was terminated on 27.05.2013.

5. The petitioner has challenged termination order alongwith other persons by preferring **S.B. Civil Writ Petition No.6757/2013 (Amit Tiwari & Ors. Vs. RSRTC & Ors.)** at Principle Seat, Jodhpur, which was decided on 03.03.2014. As a result, the termination order and show cause notice were quashed. The judgment dated 03.03.2014 came to be challenged before the Division Bench and later, the petitioner was reinstated by respondents along with other persons. The services of the petitioner were again terminated vide order dated 02.12.2014. The respondents have revised the merit list of all the candidates pursuant to order passed by the Courts and petitioner was outsted from select list.

6. The issue relates to revision of result and the matter has traveled up to the Supreme Court and on 21.04.2016 while considering Civil Appeal No.4302/2016 titled as **Hanuman Singh Vs. RSRTC and Anr. (supra)** and connected matter, Hon'ble Supreme Court has referred a merit based selection formula as suggested by learned Single Judge while disposing the writ petition and ultimately directed as under:-

We, therefore, find total infirmity in the conclusion of the learned Single Judge as well as

the Division Bench. The selection and appointment should have, therefore, been made based on the principal formula which was arrived at by the learned Single Judge in his order dated 09.11.2011 and based on the said formula whosoever was eligible to be considered and appointed should have been allowed to continue. In the result, the order of the learned Single Judge dated 30.07.2012 and the confirmation of the same by the Division Bench in the order dated 24.09.2013 on issue Nos. 2 and 5 are set aside and the Civil Appeal stands allowed. The termination order dated 27.05.2013 is set aside and his appointment as Conductor shall stand restored.

Pending intervening applications also stand disposed of leaving it open for all the intervenors to work out their remedy before the High Court in tune with the principle laid down and the conclusion as well as the result arrived at in these appeals.

7. In the meanwhile, the issue was challenged by way of another writ petition filed by Vishnu Lal Sen and ultimately on 27.09.2016, **D.B. Civil Appeal (Writ) No.1396/2012** titled as **Vishnu Lal Sen and Anr. Vs. RSRTC and Ors.** was decided by a Division Bench of this Court. The judgment in case of **Vishnu Lal Sen and Anr. Vs. RSRTC (supra)** passed by the Division Bench was challenged by RSRTC (respondents) before Hon'ble Supreme Court by filing SLP (Civil). The civil appeal, arising out of said SLP, was decided in following manner:-

Leave granted.

Having heard learned counsel appearing for the parties and upon perusal of the record, we are not inclined to entertain this appeal.

However, we modify this impugned judgment and order dated 27.09.2016 passed by the Rajasthan High Court in Special Appeal Writ No.1396 of 2012, and restrict it to 6032 candidates i.e. the number of conductors who qualified for the trade test.

With the aforesaid modification, the appeal is disposed of.

Application for intervention is dismissed.

8. The counsel for respondents insist that they have applied the formula as approved in case of **Vishnu Lal Sen and Anr. Vs. RSRTC (supra)** by the Division Bench and further close the selection process. He could not answer why the formula approved in case of **Hanuman Singh Vs. RSRTC (supra)** is not given effect to.

9. The material on record indicate that how a selection has to be made and what would be the formula, was already considered and decided by a Co-ordinate Bench of this Court in case of **Hanuman Singh Vs. RSRTC and Anr. (supra)** and when a Division Bench of this Court has interfered in the order passed by the Single Judge Bench of this Court then **Hanuman Singh** has approached the Supreme Court and after considering the entirety of the case in detail and with reasoned judgment, the Hon'ble Supreme Court has approved the formula for selection. The judgment of Hon'ble Supreme Court is law of the land in view of Article 141 of the Constitution of India, therefore, it has a binding precedent. The counsel for respondents has failed to show why the

ratio laid down in case of **Hanuman Singh Vs. RSRTC and Anr. (supra)** is not applicable.

10. If any selection is made in violation of judgment in case of **Hanuman Singh Vs. RSRTC and Anr. (supra)** passed by Hon'ble Supreme Court then the respondents may have committed a serious wrong and same can be questioned at any point of time. Since, we are not dealing with action of respondents, we are only restricting ourselves to the claim of the petitioner, therefore, the writ petition is liable to be disposed in light of ratio laid down in case of **Hanuman Singh Vs. RSRTC and Anr. (supra)** with following directions:-

*(i) The respondents are directed to examine the case of present petition in light of the formula as referred in the judgment of **Hanuman Singh Vs. RSRTC and Anr. (supra)**.*

(ii) If the petitioner falls under the said formula in the merit as prepared by the RSRTC, he shall be considered for reinstatement on the said post in which the petitioner has qualified.

(iii) In case, the petitioner falls in the merit list and found fit for reinstatement, then all consequential benefits be granted to him with seniority as per order of merit.

11. The entire exercise be concluded within 90 days from date of receipt of copy of this order.

12. With aforesaid, the writ petition and misc. application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J