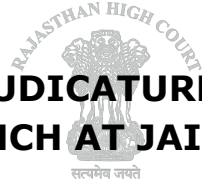




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 18145/2024

1. Ramesh Chand Saini Son Of Shri Nathu Lal Saini, aged about 44 years, Resident of Near Khadi Bhandar, Bhandarej, Dausa, District, Dausa (Raj.).
2. Shyam Lal Jain son of Shri Narendra Kumar Jain, aged about 42 years, Resident of Village Pipalwada Nadi, Post & Tehsil Malarna Dungar, District Sawaimadhopur (Raj.)

----Petitioners

Versus

1. The State Of Rajasthan through Additional Chief Secretary, Panchayati Raj Department, Govt. Secretariat, Govt. of Rajasthan, Jaipur (Raj.).
2. The Chief Executive Officer Cum member Secretary, Zila Parishad, Dausa (Raj.).
3. The Chief Executive Officer cum member Secretary, Zila Parishad, Karauli (Raj.).

----Respondents

CONNECTED WITH

1. S.B. Civil Writ Petition No. 7344/2013
2. S.B. Civil Writ Petition No. 12751/2013
3. S.B. Civil Writ Petition No. 13216/2013
4. S.B. Civil Writ Petition No. 19147/2013
5. S.B. Civil Writ Petition No. 12674/2014
6. S.B. Civil Writ Petition No. 14386/2017
7. S.B. Civil Writ Petition No. 14388/2017
8. S.B. Civil Writ Petition No. 14491/2017
9. S.B. Civil Writ Petition No. 14862/2017
10. S.B. Civil Writ Petition No. 14886/2017
11. S.B. Civil Writ Petition No. 15047/2017
12. S.B. Civil Writ Petition No. 15265/2017
13. S.B. Civil Writ Petition No. 15625/2017
14. S.B. Civil Writ Petition No. 15952/2017
15. S.B. Civil Writ Petition No. 16007/2017
16. S.B. Civil Writ Petition No. 16008/2017
17. S.B. Civil Writ Petition No. 19212/2017
18. S.B. Civil Writ Petition No. 19898/2017
19. S.B. Civil Writ Petition No. 20988/2017
20. S.B. Civil Writ Petition No. 21931/2017
21. S.B. Civil Writ Petition No. 2758/2018



22. S.B. Civil Writ Petition No. 2775/2018
23. S.B. Civil Writ Petition No. 17403/2018
24. S.B. Civil Writ Petition No. 26341/2018
25. S.B. Civil Writ Petition No. 18599/2019
26. S.B. Civil Writ Petition No. 7200/2020
27. S.B. Civil Writ Petition No. 4842/2021
28. S.B. Civil Writ Petition No. 727/2022
29. S.B. Civil Writ Petition No. 11862/2022
30. S.B. Civil Writ Petition No. 13212/2022
31. S.B. Civil Writ Petition No. 14211/2022
32. S.B. Civil Writ Petition No. 14351/2022
33. S.B. Civil Writ Petition No. 14463/2022
34. S.B. Civil Writ Petition No. 14491/2022
35. S.B. Civil Writ Petition No. 14593/2022
36. S.B. Civil Writ Petition No. 14654/2022
37. S.B. Civil Writ Petition No. 14707/2022
38. S.B. Civil Writ Petition No. 14748/2022
39. S.B. Civil Writ Petition No. 15096/2022
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41. S.B. Civil Writ Petition No. 15146/2022
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43. S.B. Civil Writ Petition No. 15375/2022
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54. S.B. Civil Writ Petition No. 15600/2022
55. S.B. Civil Writ Petition No. 15648/2022
56. S.B. Civil Writ Petition No. 15661/2022
57. S.B. Civil Writ Petition No. 15685/2022





58. S.B. Civil Writ Petition No. 15689/2022
59. S.B. Civil Writ Petition No. 15720/2022
60. S.B. Civil Writ Petition No. 15738/2022
61. S.B. Civil Writ Petition No. 15805/2022
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63. S.B. Civil Writ Petition No. 15842/2022
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90. S.B. Civil Writ Petition No. 16736/2022
91. S.B. Civil Writ Petition No. 16804/2022
92. S.B. Civil Writ Petition No. 16844/2022
93. S.B. Civil Writ Petition No. 16863/2022





94. S.B. Civil Writ Petition No. 16877/2022
95. S.B. Civil Writ Petition No. 16887/2022
96. S.B. Civil Writ Petition No. 16987/2022
97. S.B. Civil Writ Petition No. 17001/2022
98. S.B. Civil Writ Petition No. 17024/2022
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102. S.B. Civil Writ Petition No. 17199/2022
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104. S.B. Civil Writ Petition No. 17209/2022
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123. S.B. Civil Writ Petition No. 17969/2022
124. S.B. Civil Writ Petition No. 17996/2022
125. S.B. Civil Writ Petition No. 18027/2022
126. S.B. Civil Writ Petition No. 18036/2022
127. S.B. Civil Writ Petition No. 18037/2022
128. S.B. Civil Writ Petition No. 18063/2022
129. S.B. Civil Writ Petition No. 18064/2022





130. S.B. Civil Writ Petition No. 18065/2022
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132. S.B. Civil Writ Petition No. 18151/2022
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146. S.B. Civil Writ Petition No. 18888/2022
147. S.B. Civil Writ Petition No. 18893/2022
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150. S.B. Civil Writ Petition No. 19000/2022
151. S.B. Civil Writ Petition No. 19001/2022
152. S.B. Civil Writ Petition No. 19032/2022
153. S.B. Civil Writ Petition No. 19064/2022
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155. S.B. Civil Writ Petition No. 19071/2022
156. S.B. Civil Writ Petition No. 19099/2022
157. S.B. Civil Writ Petition No. 19104/2022
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160. S.B. Civil Writ Petition No. 19367/2022
161. S.B. Civil Writ Petition No. 19435/2022
162. S.B. Civil Writ Petition No. 19709/2022
163. S.B. Civil Writ Petition No. 169/2023
164. S.B. Civil Writ Petition No. 290/2023
165. S.B. Civil Writ Petition No. 333/2023





166. S.B. Civil Writ Petition No. 365/2023
167. S.B. Civil Writ Petition No. 378/2023
168. S.B. Civil Writ Petition No. 380/2023
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170. S.B. Civil Writ Petition No. 402/2023
171. S.B. Civil Writ Petition No. 473/2023
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180. S.B. Civil Writ Petition No. 1357/2023
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185. S.B. Civil Writ Petition No. 1805/2023
186. S.B. Civil Writ Petition No. 1976/2023
187. S.B. Civil Writ Petition No. 1977/2023
188. S.B. Civil Writ Petition No. 1979/2023
189. S.B. Civil Writ Petition No. 1994/2023
190. S.B. Civil Writ Petition No. 1995/2023
191. S.B. Civil Writ Petition No. 2674/2023
192. S.B. Civil Writ Petition No. 2743/2023
193. S.B. Civil Writ Petition No. 2931/2023
194. S.B. Civil Writ Petition No. 3115/2023
195. S.B. Civil Writ Petition No. 3393/2023
196. S.B. Civil Writ Petition No. 3424/2023
197. S.B. Civil Writ Petition No. 3621/2023
198. S.B. Civil Writ Petition No. 4231/2023
199. S.B. Civil Writ Petition No. 4288/2023
200. S.B. Civil Writ Petition No. 5459/2023
201. S.B. Civil Writ Petition No. 5652/2023





202. S.B. Civil Writ Petition No. 6245/2023
203. S.B. Civil Writ Petition No. 6876/2023
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214. S.B. Civil Writ Petition No. 15317/2023
215. S.B. Civil Writ Petition No. 15803/2023
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217. S.B. Civil Writ Petition No. 17120/2023
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220. S.B. Civil Writ Petition No. 19014/2023
221. S.B. Civil Writ Petition No. 1142/2024
222. S.B. Civil Writ Petition No. 3057/2024
223. S.B. Civil Writ Petition No. 15795/2024
224. S.B. Civil Writ Petition No. 15796/2024
225. S.B. Civil Writ Petition No. 15938/2024
226. S.B. Civil Writ Petition No. 15976/2024
227. S.B. Civil Writ Petition No. 15983/2024
228. S.B. Civil Writ Petition No. 16650/2024
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230. S.B. Civil Writ Petition No. 17191/2024
231. S.B. Civil Writ Petition No. 17655/2024
232. S.B. Civil Writ Petition No. 17825/2024
233. S.B. Civil Writ Petition No. 18167/2024
234. S.B. Civil Writ Petition No. 18483/2024
235. S.B. Civil Writ Petition No. 1181/2025
236. S.B. Civil Writ Petition No. 2104/2025
237. S.B. Civil Writ Petition No. 2363/2025



238. S.B. Civil Writ Petition No. 2765/2025
239. S.B. Civil Writ Petition No. 2836/2025
240. S.B. Civil Writ Petition No. 2883/2025
241. S.B. Civil Writ Petition No. 3299/2025
242. S.B. Civil Writ Petition No. 3636/2025
243. S.B. Civil Writ Petition No. 3656/2025
244. S.B. Civil Writ Petition No. 3817/2025
245. S.B. Civil Writ Petition No. 6207/2025
246. S.B. Civil Writ Petition No. 6768/2025
247. S.B. Civil Writ Petition No. 7065/2025
248. S.B. Civil Writ Petition No. 11291/2025
249. S.B. Civil Writ Petition No. 12033/2025



For Petitioner(s) : Mr. G.S. Gouttam for
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 Mr. Ram Pratap Saini with
 Mr. Girriraj Rajoria
 Mr. Aamir Khan
 Mr. Kapil Khandelwal
 Mr. Pankaj Jorwal
 Mr. Y.K. Sharma
 Ms. Pragya Seth for
 Mr. Mahendra Shah, Sr. Adv.
 Mr. Tanmay Dhand
 Mr. Sunil Kumar Singodia with
 Ms. Aasha Meena &
 Mr. Jai Prakash Saini
 Mr. Kailash Chand Sharma
 Mr. Aatish Jain
 Mr. Manvendra Singh with
 Mr. Himanshu
 Mr. Tanveer Ahmed with
 Mr. Dyaram Bhaskar
 Mr. Kartar Singh Foujdar
 Mr. C.P. Sharma
 Mr. Dharmendra Fageria for
 Mr. Mahipal Singh Kharra
 Mr. Nripendra Sinsinwar
 Dr. Saugath Roy
 Mr. Sandeep Kumar Meena
 Mr. Dinesh Kumar Saini
 Mr. Bheem Sain Bairwa
 Mr. Vijay Pathak
 Ms. Harshita Sharma for
 Dr. Mahesh Sharma
 Ms. Anima Jain



Mr. D.S. Bagadia
Mr. R.B. Sharma Ganthola
Mr. Naveen Dhuwan
Ms. Sudesh Kasana
Mr. Ram Dhan Choudhary
Mr. Dheeraj Kumar Palia
Mr. Amit Singh Shekhawat
Mr. Pradeep kumar Meena for
Mr. Narendra Prasad Meena
Mr. Aamir Khan for
Mr. Rajneesh Gupta
Mr. Ripu Dhawan Singh Naruka
Mr. Laxmikant Malpura
Ms. Jyotsana
Mr. Surendar Meel
Mr. Rajpal Dhankhar
Mr. Suresh Kumawat
Mr. Sumer Chand Sharma
Mr. Ashwinee Kumar Jaiman with
Mr. Keshav Parashar
Mr. Ashish Kabra
Mr. Moin Khan
Ms. Suman Sharma
Mr. Prashant Sharma
Mr. Balkishan Saini
Mr. Arvind Kumar Arora for
Ms. Komal Kumari Giri
Mr. Tushar Sharma with
Mr. Suraj Sharma

For Respondent(s) : Mr. Prateek Saxena with
Mr. Ashutosh Udawat
Ms. Anjali Ranga
Mr. Anshul Ranga
Mr. Prenay Sharma for
Mr. Kapil Prakash Mathur, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

REPORTABLE

Reserved on :: 20/08/2025

Pronounced on :: 4/09/2025

1. In the present batch of writ petitions, the controversy which engages the attention of this Court, albeit multifaceted, is predominantly circumscribed by the challenge directed against the



impugned letter dated 07.09.2022, issued by the respondent-authorities in connection with the recruitment process for the post of Lower Division Clerk (hereinafter referred to as 'LDC'), 2013. It is alleged that by virtue of the aforesaid letter, the respondents restricted appointments to merely 4000 posts, notwithstanding the availability of approximately 19,000 vacancies under the said recruitment exercise. Inasmuch as the issues raised in all these writ petitions rest substantially upon common questions of law and fact, this Court, with the consent of the learned counsel appearing for the parties, has considered it appropriate to take up **S.B. Civil Writ Petition No. 18145/2024** titled **Ramesh Chand Saini and Another v. State of Rajasthan and Others**, as the lead matter for adjudication and factual reference. It is, however, deemed apposite to clarify that any divergence in the factual averments or narrative details contained in the respective petitions forming part of this batch shall not affect or dilute the adjudication of the legal issues which fall for determination. The present judgment shall, therefore, govern and apply to all connected writ petitions on a *mutatis mutandis* basis, save and except to the extent of such factual distinctions as may bear no material relevance to the core questions of law addressed herein.

2. For the sake of clarity and completeness, the reliefs/prayers as sought by the petitioners in the lead petition are reproduced hereinbelow in extenso:

"i) The Hon'ble Court may kindly be directed to respondents to fill-up the total advertised posts as per the judgment dated 07.04.2017 Arjun Ram Nain (supra);



ii) Further may kindly be directed to respondents issue the calendar for remaining vacant posts for the LDCs i.e. for than 6000 posts under LDC recruitment, 2013 and as per the selection criteria may be accorded appointment to the petitioners on the post of LDC with all consequential benefits;

iii) Any other appropriate order, or direction which this Hon'ble Court deem fit and proper in favour of the appellant may also kindly be passed."

FACTUAL NARRATIVE:

3. Before advertng to the rival submissions, it would be apposite to briefly recapitulate the material facts (as available on the date of inception of the present petition) necessary for determination of the *lis*, which are set out hereinbelow as:

3.1 That the respondents issued an advertisement issued on or around 14.02.2013, inviting applications for recruitment to the post of LDCs in various Zila Parishads across the State of Rajasthan, including Zila Parishad, Dausa and Zila Parishad, Karauli.

3.2 That the petitioner, being duly qualified inasmuch as that he possessed the educational qualification of Senior Secondary and also held the requisite computer proficiency certification as prescribed under the relevant recruitment rules, duly submitted their application pursuant to the aforesaid advertisement.

3.3 That apart from the prescribed qualification, the petitioner also possessed prior experience, having served in the capacity of Consultant (Animal Husbandry) under the Watershed Development



Scheme on a contractual basis, qua which an experience certificate had also been issued in his favour.

3.4 That a controversy arose with respect to the grant of bonus marks on account of experience, which came to be the subject matter of adjudication before this Court in Archana vs. the State of Rajasthan & Ors.: SBCWP No. 4144/2013. Vide order dated 15.07.2013, the Co-ordinate Bench of this Court at Principal Seat Jodhpur was pleased to direct the respondents therein to take an appropriate policy decision regarding the manner and modality for awarding such bonus marks.

3.5 That despite the aforesaid directions, no concrete steps were taken by the respondents towards formulation of a policy decision in respect of the award of bonus marks, compelling the aggrieved candidates to prefer a Special Leave Petition before the Hon'ble Supreme Court, registered as SLP (C) No. 3200/2013. The Hon'ble Supreme Court, upon hearing the matter, was pleased to finally adjudicate the controversy vide judgment dated 29.11.2016. However, in the interregnum, the process of appointment to the post of LDC, initiated pursuant to the advertisement (issued on or around 14.02.2013), was directed to remain in abeyance and consequently stood stayed till the final adjudication of the aforesaid proceedings.

SUBMISSIONS BY THE PETITIONERS:

4. At the very threshold, the learned counsel appearing on behalf of the petitioners have, in unison, submitted that the petitioners are young aspirants of this Court who, having



demonstrated merit, were duly shortlisted for recruitment to the post of LDC pursuant to the selection process initiated as far back as the year 2013. However, during the subsistence of the impugned recruitment proceedings, a controversy arose with regard to the grant of bonus marks, which gave rise to the filing of a writ petition, Archana v. State of Rajasthan & Ors. (SBCWP No. 4144/2013) before the Principal Seat of the Rajasthan High Court at Jodhpur.

5. In the said writ proceedings, the Court, vide order dated 15.07.2013, granted interim protection to the petitioners therein, and subsequently, in appeal proceedings arising therefrom, i.e., D.B. Civil Special Appeal No. 630/2013 in SBCWP No. 4144/2013 titled State of Rajasthan & Ors. v. Archana & Anr., the Court, by order dated 27.09.2013, had further directed the State and its instrumentalities to take an appropriate policy decision in the matter. For the sake of handiness the directions passed in order dated 15.07.2013 are reproduced herein below:

"In view of the above, I deem it appropriate to refer the following questions to the larger Bench for appropriate answer:

(A) Whether the second proviso to Rule 273 of the Rajasthan Panchayat Raj Rules 1996 added vide notification dated 29.01.2013 is not an attempt to undo the judgment rendered by the Hon'ble Supreme Court in the case of Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4 SCC1, because under the said proviso the State Government granted weightage of 10 marks for the experience of each year, up to three years, to the employees engaged on ad hoc/temporary/contract basis in the various schemes or



projects of the Rural Development Department and deserves to be declared unconstitutional ?

(B) Whether in view of the existing Rule 273 in which written test is provided for recruitment on the posts of L.D.C. whether under second proviso added vide notification dated 29.01.2013 the respondent State can make recruitment without conducting written examination?

(C) Whether in the absence of any provision in the amended Rule 266 with regard to qualification of experience for the post of L.D.C. bonus marks for experience can be granted and whether the same is not violative of Articles 14 and 16 of the Constitution of India?

In view of the fact that aforesaid questions have been referred to the larger Bench I deem it appropriate to direct the State Government and all the Zila Parishads of the State of Rajasthan not to proceed for selection and appointment on the posts of L.D.C. in pursuance of amendment made under Rule 273 of the Rajasthan Panchayati Raj Rules 1996 till further orders.

Ordered accordingly."

The relevant extract from the directions given in DBSAW No. 630/2013 (Supra) is reiterated hereinbelow:

"As a consequent to the entire discussion above, our answers to the referred questions are as follows:-

(1) The respondents can make recruitment to the posts in the services concerned even without conducting written examination;

(2) Weightage in the form of bonus marks against service experience can be given while adhering the eligibility prescribed for various posts



under the existing Rule 266 of the Rules of 1996 and there shall be no violation of Articles 14 and 16 of the Constitution of India in the event of extending weightage against service experience

(3) The respondents did not commit any wrong while extending weightage in the form of bonus marks against the service experience as per proviso to Rule 23 of the Rules of 1998 and such grant of weightage in no manner is in violation of Rule 15 of the Rules of 1998;

(4) For providing bonus marks there is no need to make any amendment in the qualification prescribed in the Schedule appended with the Rules of 1998.

(5) The grant of weightage in the form of bonus marks while making recruitment to the post in the services in question is not at all in contravention of the law laid down in the case of State of Karnataka v. Uma Devi (supra), and it is also not an effort to frustrate the law laid down in the case aforesaid; and

(6) The grant of bonus marks to the extent of 30 marks is unjust, arbitrary and unfair, hence, is declared illegal and is quashed. The State Government may grant the weightage in the form of bonus marks against service experience within the cap of 15 marks.

With the answers above, let the writ petition i.e. SB Civil Writ Petition No.4144/2013, Archana v. State of Rajasthan & Ors., be placed before Single Bench for its adjudication on other merits of the case DB Civil Special Appeal No.630/2013, State of Rajasthan & Ors. v. Archana & Anr.; SB Civil Writ Petition No.9780/2013, Virendra Ragwani v. State of Rajasthan & Ors.; SB Civil Writ Petition No.10236/2013, Ranveer Deharu & Ors. v. State of Rajasthan & Ors. and DB Civil Writ Petition No.5583/2013, Nagendra Singh Chouhan v. State of Rajasthan & Ors., stand dismissed."



6. Learned counsel have further emphasized that it was owing to the pendency of the said controversy, and the consequential interim orders passed therein, that the recruitment process of the year 2013 remained stalled for a considerable length of time, thereby directly affecting the rights and legitimate expectations of the petitioner-candidates, who, despite being meritorious and otherwise fully eligible, were made to suffer the brunt of protracted litigation and administrative indecision. Consequentially, being dissatisfied and aggrieved by the persistent inaction and delay on the part of the present respondents in concluding the recruitment process, the petitioner-candidates were constrained to approach the Hon'ble Supreme Court by way of filing a Special Leave Petition (SLP) assailing the continuance of the impugned controversy.

7. It was submitted that during the pendency of the said proceedings before the Apex Court, and until the final adjudication thereof, the recruitment process pertaining to the post of LDC remained in a state of complete suspension, as per the directions of the Hon'ble Supreme Court. The said interim protection continued to operate throughout the pendency of the matter, and it was only when the final decision came on 29.11.2016, that the interim embargo stood vacated, and the respondents became legally competent to proceed further in the matter of making appointments.

8. As a corollary to the culmination of the proceedings before the Hon'ble Supreme Court, the respondents, vide departmental order dated 17.08.2017, proceeded to re-commence the



recruitment process pursuant to the advertisement originally issued in the year 2013. However, at that juncture, yet another legal impediment arose in the form of a writ petition instituted before this Court, registered as SBCWP No. 3752/2017 titled as Arjun Ram Nain v. State of Rajasthan & Ors. The said writ petition came to be adjudicated vide judgment dated 07.04.2017, wherein the Court reproduced the minutes of the meeting dated 05.04.2017, wherein the respondents deliberated upon the issue and had formally recorded their decision to the effect that the total number of posts advertised under the recruitment in question stood at 19,246. Therein, reliance was also placed upon the statement made at the Bar by the learned Additional Advocate General representing the concerned Department, and taking the said statement on record, the Court disposed of the writ petition. The relevant extract from the directions spelled out in the judgment dated 07.04.2017 are reproduced herein under:

"Hence, the present writ petition is disposed of by issuing following directions:-

(a) That as per the minutes of meeting which have been reproduced above, all concerned Zila Parishad shall prepare the list of selected candidates (Lower Division Clerk) within three weeks from today.

(b) Revised select list of Lower Division Clerks prepared by concerned Zila Parishad in terms of direction (a) above shall be sent to the Head Quarter on or before 01.05.2017.

(c) Secretary-cum-Commissioner (Rural Development and Panchayati Raj.) shall approve the merit list, so received within one week. After approval of the select list, appointment letters shall be issued to the prospective selected candidates within three weeks thereafter.



(d) Selected candidates will be asked to join their place of posting on or before 15.07.2017."

9. It was further contended on behalf of the petitioners that the respondents, instead of ensuring the timely culmination of the long-pending recruitment process, issued letters dated 26.12.2017 and 26.09.2018, whereby certain modifications were introduced in respect of the minimum eligibility criteria as well as the requisite educational qualifications prescribed for the post in question. The said alterations, made at a belated stage, not only created further ambiguity in the recruitment proceedings but also had the potential of unsettling the rights and expectations of the candidates who had already participated in the process initiated under the advertisement of the year 2013. Subsequently, through a communication dated 05.03.2019, issued by the Secretary, Rural Development and Panchayati Raj Department, addressed to all the Chief Executive Officers of the Zila Parishads across the State of Rajasthan, directed them to take necessary steps for the issuance of a waiting list and for extending appointments to the eligible candidates in accordance with the recruitment exercise.

10. It was further apprised to the Court that there were series of litigations that ensued subsequent to the issuance of the aforesaid communications. For instance, a batch of writ petitions, pertaining to the recruitment in question, came to be instituted before the Principal Seat of the Rajasthan High Court at Jodhpur, the lead case amongst them being SBCWP No. 17700/2018 titled as Girish Kumar Kumawat v. State of Rajasthan & Ors. The said writ petition, along with the connected matters, was finally



adjudicated vide order dated 14.05.2022; SBCWP No. 1767/2018 titled as Rohitash Vs. the State of Rajasthan and Ors.; Omprakash Kulariya Vs. the State of Rajasthan and Ors.; SBCWP No. 10519/2017 titled as Raminwas vs. the State of Rajasthan; SBCWP No. 14407/2022 titled as Dharmendra Saxena Vs. the State of Rajasthan; SBCWP No. 15384/2022 titled as Hari Om Katara vs. the State of Rajasthan and ors.; SBCWP No. 2622/2018 titled as Pushkar Garg vs. the State of Rajasthan; Tikam Chand Verma and Ors. Vs. the State of Rajasthan and Ors.; Balkishan Vs. the State of Rajasthan and Ors.: SBCWP No. 11807/2014 It was also submitted that despite the authoritative pronouncement of Arjun Ram Nain (supra), as also the directions issued by other judicial fora in related proceedings, the respondents failed to adhere to the said principles and directions. Instead, the record reveals that the Rural Development and Panchayati Raj Department, vide communication dated 07.09.2022, addressed to all the Chief Executive Officers of the Zila Parishads, merely reflected the decision of the respondents to issue a recruitment calendar in respect of approximately 4,000 posts only, while leaving aside nearly 10,000 posts that still remained vacant from the originally advertised strength.

11. In this backdrop, it was vehemently submitted on behalf of the petitioners that once the respondents had initiated the selection process on the basis of the total number of posts originally advertised, it was not open to them, in law, to subsequently restructure or redistribute such posts during the pendency of the recruitment exercise. It was further contended



that the respondents themselves have proceeded to extend the benefit of reservation to the candidates belonging to the reserved categories on the strength of the total advertised posts; therefore, the subsequent act of restructuring the posts, without any transparent rationale or cogent justification, raises a substantial legal question as to the permissibility of such an action.

12. It was urged that the respondents have failed to disclose any clear or legally sustainable reasoning for undertaking such restructuring, and in absence thereof, the exercise is rendered arbitrary. It was thus submitted that any attempt of altering the structure of the posts after commencement of the recruitment process is contrary to settled principles of service jurisprudence, and the same is per se void, being unsustainable both in fact and in law. It was further submitted that the respondents themselves, under the very same recruitment process, have duly considered the candidature of several candidates, including some of the petitioners therein, and have proceeded to extend appointments to them on the post of Lower Division Clerk (LDC). Consequent thereto, such candidates were rendered eligible in view of the stipulations contained in the letter dated 11.07.2018 and the circular dated 26.09.2018 issued by the respondents.

13. In this factual backdrop, the learned counsel for the petitioners has posed a pertinent question as to how the respondents can now deprive the present set of petitioners of similar treatment under the same recruitment exercise. Such an approach, unmistakably demonstrates that the respondents are indulging in an arbitrary practice of "pick and choose", thereby



extending appointments to certain candidates of their preference while denying the same relief to similarly situated petitioners, in utter violation of the principles of equality, fairness, and non-arbitrariness enshrined under Articles 14 and 16 of the Constitution of India.

14. During the currency of the petition, this Court has taken note of the fact that the recruitment process in question pertains to the year 2013, and petitions in relation thereto have been filed continuously from the year 2013 up to 2024. Pursuant to the directions of this Court, both parties were invited to submit their pleadings by way of reply and rejoinder.

15. Learned counsel for the petitioners, while filing rejoinder to the reply submitted by the respondents, have drawn attention to the fact that the respondents were granted due permission in the year 2013 itself for recruitment to the post of Lower Division Clerks (LDCs), which is manifest from the letter dated 05.07.2013 issued by the Additional Commissioner-II EGS, Rural Development and Panchayati Raj Department. It is further submitted that despite such permission, the respondents are now attempting to justify the restructuring or re-determination of posts on grounds which are wholly untenable in law. The petitioners assert that there exist no sanctioned posts of Class-IV employees in any Gram Panchayat under the relevant scheme, and therefore, the plea sought to be advanced by the respondents regarding re-instruction of posts is, on the face of it, arbitrary, unreasonable and *dehors* the record. It was contended that such a stand of the respondents is nothing but an afterthought, aimed at frustrating



the legitimate claim of the petitioners who are awaiting appointments ever since 2013.

16. In this regard, learned counsel for the petitioners placed reliance upon the ratio encapsulated in **Tej Prakash Pathak and Ors. v. Rajasthan High Court and Ors., (2013) 4 SCC 540**, wherein it is authoritatively held that the “rules of the game” governing a recruitment process cannot be altered once the process has commenced. It is laid down that any attempt by the authorities to change the eligibility criteria, method of selection, or the sanctioned strength of posts, after initiation of recruitment, is impermissible in law as it strikes at the very root of fairness and transparency in public employment. Withal, reliance was also placed upon a catena of judgments passed by the co-ordinate bench of this Court, the Division Bench and Hon’ble Supreme Court, a few amongst them inter-alia others were;

(a) S.B. Civil Writ Petition No.14087/2022 (titled as Jagriti Pandya Vs. State of Rajasthan & Ors.)

(b) S.B. Civil Writ Petition No.11554/2018 (titled as Govind Singh Chundawat Vs. State of Rajasthan & Ors.)

(c) S.B. Civil Writ Petition No.3752/2017 (titled as Arjun Ram Nain Vs. State (Panchayati Raj Dep.) Ors).

(d) S.B. Civil Writ Petition No.10102/2019 (titled as Renu Vs. State of Rajasthan & ors.)

(e) S.B. Civil Writ No.11070/2018 (titled as Heera Lal Jat Vs. State of Rajasthan & Ors).

(f) S.B. Civil Writ No.10050/2018 (titled as Roopa Ram Meghwal & Ors. Vs. State of Rajasthan & Ors).



(g) S.B. Civil Writ No.10788/2023 (titled as Kalawati Vs. State of Rajasthan & Anr.).

(h) S.B. Civil Writ No.1767/2018 (titled as Rohitash Vs. State of Rajasthan & Ors.).

(i) S.B. Civil Writ No.21324/2018 (titled as Omprakash Kulariya Vs. State of Rajasthan & Anr.).

(j) S.B. Civil Writ No.15568/2021 (titled as Jagdish Lal Ahir Vs. State of Rajasthan & Ors.).

(k) D.B. Civil Writ No.5861/2013 (titled as Manohar Lal Jaga Vs. State of Rajasthan & Ors.).

(l) D.B. Civil Writ No.7316/2017 (titled as Tikam Chand Verma & Ors. Vs. State of Rajasthan & Ors.).

(m) S.B. Civil Writ No.10519/2017 (titled as Ramniwas Vs. State of Rajasthan & Anr.).

(n) D.B. Civil Writ No.6055/2013 (titled as Sumer Singh & Ors. Vs. State of Rajasthan & Ors.).

(o) S.B. Civil Writ No.13696/2022 (titled as Ramdev Vs. State of Rajasthan & Ors.).

(p) S.B. Civil Writ No.2622/2018 (titled as Pushkar Garg Vs. State of Rajasthan & Ors.).

(q) S.B. Civil Writ No.10564/2023 (titled as Radha Vs. State of Rajasthan & Anr.).

(r) S.B. Civil Writ No.11807/2014 (titled as Bal Kishan Vs. State (Panchayati Raj Dep.) & Anr.).

(s) S.B. Civil Writ No.19652/2017 (titled as Pinkey Gupta Vs. State of Rajasthan & Anr.).



SUBMISSIONS BY LEARNED COUNSEL REPRESENTING THE RESPONDENTS:

17. *Per contra*, learned counsel appearing for the respondents have stoutly opposed the contentions made by the counsel representing the petitioners and at the very outset, had apprised this Court of the vital factual background of the case at hand. It was submitted that vide advertisement dated 06.02.2013, a total of 19,275 vacancies for the post of LDC were notified by the Secretary, Panchayati Raj Department. Pursuant thereto, the recruitment process was set in motion and, upon conclusion of the examination, 18,415 candidates were declared successful. Out of the said successful candidates, 7,755 were extended appointments and joined service in the year 2013 itself.

18. It was further submitted that, at that juncture, a writ petition came to be instituted before the Rajasthan High Court, Principal Seat at Jodhpur, titled Archana v. State of Rajasthan & Ors. registered as SBCWP No. 4144/2013, wherein, vide interim order dated 15.07.2013, interim protection was issued in favour of the petitioners. Consequent to the said interim order, the entire selection process was brought to a standstill and remained so until the culmination of the proceedings in the Special Leave Petitions bearing Nos. 32008–32009/2013 before the Hon'ble Supreme Court of India.

19. Learned counsel further submitted that, upon disposal of the said proceedings, the recruitment exercise was revived, and in compliance of the order dated 07.04.2017 passed in Arjun Ram Nain (*supra*) and appointments were granted to an additional



1,805 candidates. Thus, by adding 1,805 to the 7,755 candidates who were already appointed in 2013, the total appointments stood at 9,560, thereby leaving 9,715 posts still unfilled as on the relevant date.

20. It was also urged that, in the meantime, a restructuring exercise was undertaken across all three tiers of the Panchayati Raj Institutions. The said restructuring resulted in the creation and reallocation of posts as follows:

20.1 Total 721 posts at the Zila Parishad level,

20.2 Total 3,705 posts at the Panchayat Samiti level, and

20.3 Total 11,304 posts at the Gram Panchayat level, aggregating to 15,730 posts in all. Out of the said 15,730 posts, 12,911 were specifically earmarked and designated for the cadre of Lower Division Clerk.

21. Sequentially, learned counsel for the respondents further submitted that upon completion of the cadre restructuring exercise, the number of sanctioned posts for the cadre of Lower Division Clerk (LDC) stood at 12,911. Out of these, 1,619 posts were already filled prior to the year 2013. Thereafter, pursuant to the recruitment process of the year 2013, additional 9,560 posts came to be filled. Accordingly, as on the relevant date, a total of 11,179 posts stood occupied. It was, therefore, pointed out that out of the sanctioned strength of 12,911 posts, 11,179 posts were already filled, leaving 1,732 posts unoccupied. Additionally, 2,268 posts became vacant on account of incumbents being promoted from the post of LDC to higher posts, thereby making a total of 4,000 vacant posts in the cadre.



22. It was further contended that vide departmental letter No. 689 dated 05.03.2019, directions were issued for completion of the LDC Direct Recruitment, 2013. However, by subsequent departmental communication bearing No. 1084 dated 05.04.2019, the process of recruitment through the waiting list of Lower Division Clerk, 2013, was deferred till the completion of the General Elections to the Lok Sabha. Subsequently, in compliance with the interim orders dated 04.05.2022 and 26.05.2022 passed by the Rajasthan High Court, Principal Seat, Jodhpur, in SBCWP No. 17700/2018, the Department issued letter No. 2375 dated 07.09.2022, whereby directions were issued to complete the recruitment process by allocating 171 posts to District Dausa and 150 posts to District Karauli, out of the 4000 posts which were stated to have remained vacant.

23. Learned counsel further invited the attention of this Hon'ble Court to the departmental order dated 07.09.2022, issued in compliance with judicial directions, wherein it was specifically provided that out of the said 4,000 vacant posts, appointments were to be issued. In pursuance thereof, appointments have already been made against 3,608 posts. Thus, as on date, only 392 posts remain vacant across various Zila Parishads within the State of Rajasthan. Reliance, in this regard, was placed upon the communication annexed as Annexure AA/1 to the record. Thus, it is submitted that the respondents have acted strictly in conformity with the directions issued by the Court as well as the departmental communications, and no deviation therefrom was made.



24. Learned counsel for the respondents had further contended that the controversy raised in the present proceedings is no longer *res integra* and already stands concluded by authoritative judicial pronouncement passed in **Hari Om Meena v. State of Rajasthan & Ors.** registered as **D.B. Special Appeal (Writ) No. 251/2025**, wherein the Division Bench categorically held that the recruitment process, which has spanned for over twelve years, has reached its terminus and cannot be permitted to continue indefinitely. It was further held that no vested right accrues in favour of the petitioners merely on account of their participation in the recruitment process or placement in the select/waiting list.

25. It was emphasized that, in the aforesaid judgment, the Division Bench specifically recorded that only 392 posts were available as vacant under the recruitment in question. Learned counsel submitted that, subsequent thereto, 59 of those posts were already filled up, and as such, only 333 posts presently remain vacant in the cadre of Lower Division Clerk across the State of Rajasthan. Thus, it was urged that in view of the settled legal position, the petitioners cannot be permitted to claim any right of appointment beyond the 333 posts currently available, and any such claim *dehors* the binding judgment of the Division Bench would be wholly untenable in law.

26. On the coherent issue of restructuring, learned counsel for the respondents submitted that the recruitment advertisement itself expressly reserved to the Department the liberty to either increase or decrease the number of advertised posts. It was urged that such a stipulation is a standard administrative safeguard,



consciously incorporated so as to enable the Government to respond to evolving administrative exigencies, budgetary limitations, and policy shifts which may arise from time to time.

27. In this backdrop, it was contended that after the lapse of more than twelve years from the date of issuance of the advertisement, the petitioners cannot be permitted to assail the restructuring of seats undertaken by the Department in exercise of the liberty so reserved. Moreover, the restructuring exercise, whether it results in an upward revision or downward adjustment of posts, remains squarely within the framework of the original recruitment notification and does not transgress any vested rights of the candidates.

28. In support of this submission, reliance was placed upon the dictum enunciated in **Shankarsan Dash v. Union of India: (1991) 3 SCC 47**, wherein it was categorically held that the inclusion of a candidate in a select list does not by itself confer any indefeasible or vested right to appointment. Similarly, reference was made to **State of Bihar v. Md. Kalimuddin: (1996) 2 SCC 7**, wherein the Hon'ble Supreme Court upheld the administrative discretion of the State to vary the number of posts in view of exigencies of service and policy considerations as valid and legal. Further, it was urged that the restructuring of posts undertaken by the respondent Department is a legitimate administrative act, well within the ambit of the original recruitment framework, and does not occasion any violation of the rights of the petitioners.



29. With respect to the reliance placed by the learned counsel representing the petitioners upon the ratio rendered in **Tej Prakash Pathak & Ors. (supra)**, learned counsel for the respondents submitted that the said decision is not attracted to the facts of the present case. It was urged that the Hon'ble Supreme Court in **Tej Prakash Pathak (supra)** categorically delineated that the expression "rules of the game" is confined to eligibility conditions, as also to the procedure and manner of conducting the recruitment process. Consequently, the action of the respondents in restructuring the posts cannot, by any stretch, be equated with a change in the "rules of the game" midway through the recruitment process.

30. It was further emphasised that the principle laid down in **Shankarsan Dash (supra)**, to the effect that mere inclusion in a select list does not confer an indefeasible right of appointment, is also reaffirmed and upheld in dictum of **Tej Prakash Pathak (supra)**. Thus, a consistent judicial thread emerges that where the recruitment notification itself reserves discretion to the employer to increase or decrease the number of posts, such an administrative act of variation is perfectly legitimate and cannot be treated as a violation of settled rules.

31. In light of the contentions made insofar it was contended that the restructuring of posts undertaken in the present case is well within the scope of the original recruitment framework, is supported by the authoritative pronouncements of the Hon'ble Supreme Court, and does not amount to altering the rules of the game midway. Lastly, learned counsel appearing for the



respondents had placed reliance upon a catena of judgments passed by Hon'ble Supreme Court and Division Bench of this Court, inter alia others, as **State of Haryana Vs. Subash Chander Marwaha: (1974) 3 SCC 220, State of Assam Vs. Arabinda Rabha: 2025 INSC 334, Dr. Govind Sharan Sharma Vs. the State of Rajasthan : DBSAW Nos. 1130-1132/2022,** and **Gurmeet Singh and Ors. Vs. State of Rajasthan and Ors. : SBCWP No. 14640/2022.**

DISCUSSION AND FINDINGS:

32. Upon conclusion of the protracted hearing, this Court has assiduously heard learned counsel for the parties and duly considered the gamut of submissions advanced on their behalf. The Court has, with equal circumspection, adverted to the voluminous record placed on file by both sides in support of their respective stands; the said record, comprising detailed pleadings, affidavits and documentary material, is subjected to careful scrutiny in the light of the judicial precedents cited at the Bar.

33. In the present batch of writ petitions, the dominant controversy pertains to the process of recruitment to the post of Lower Division Clerk, initiated pursuant to the advertisement issued in the year 2013, and the consequential directions emanating from judicial pronouncements rendered from time to time in this regard. It is, however, pertinent to observe that the controversy is not confined merely to the challenge to the intake and selection process simpliciter as diverse ancillary issues are raised by the petitioners, inter alia, relating to the grant of bonus



marks, recognition and validity of RS-CIT certificates, and the equivalence or otherwise of the prescribed computer proficiency examination with other examinations of a like nature. For the sake of clarity and ready reference, the issues so raised stand illustratively enumerated in a tabular form hereinbelow.



Writ Petition No	Title	Issue involved
18145/2024	Ramesh Chand Saini Vs. State of Rajasthan	Not filled-up the total advertised/remaining vacant
15846/2022	Tarachand Maher Vs. State of Rajasthan	
15847/2022	Bheru Singh Bheel Vs. State of Rajasthan	
16323/2022	Ramjilal Sharma Vs. State of Rajasthan	
16324/2022	Shiv Kumar Sharma Vs. State of Rajasthan	
16331/2022	Ramesh Kumar Vs. State of Rajasthan	
16332/2022	Hem Singh Vs. State of Rajasthan	
16336/2022	Ved Prakash Sharma Vs. State of Rajasthan	
16368/2022	Mukesh Kumar Vs. State of Rajasthan	
16585/2022	Bharat Lal Bairwa Vs. State of Rajasthan	
16595/2022	Vijaypal Singh Vs. State of Rajasthan	
16610/2022	Daulat Ram Meel Vs. State of Rajasthan	
365/2023	Naresh Kumar Vs. State of Rajasthan	
13009/2023	Rajendra Singh Vs. State of Rajasthan	
17423/2023	Mohd. Javed Vs. State of Rajasthan	
4842/2021	Karma Kumar Vs. State of Rajasthan	Not considered the Sr.Secondary/graduation/ P.G./B.Ed. Computer qualification
1623/2023	Shekhar Chandra Saini Vs. State of Rajasthan	
727/2022	Jitendra Kumar Sharma Vs. State of Rajasthan	



11862/2022	Mukesh Kumar Vs. State of Rajasthan	
13212/2022	Dev Kumar Singh Parmar Vs. State of Rajasthan	
15842/2022	Ms. Rajesh Mahawar Vs. State of Rajasthan	
17043/2022	Mohan Lal Bairwa Vs. State of Rajasthan	
17273/2022	Ramkrishan Sharma Vs. State of Rajasthan	
18751/2022	Manju Dhundhawat Vs. State of Rajasthan	
18893/2022	Vinod Kumar Gupta Vs. State of Rajasthan	
19099/2022	Dilip Kumar Yadav Vs. State of Rajasthan	
19108/2022	Aarti Junwal Vs. State of Rajasthan	
2743/2023	Deendayal Dhakad Vs. State of Rajasthan	
5459/2023	Kamlesh Kumar Vs. State of Rajasthan	
13763/2023	Kajal Samariya Vs. State of Rajasthan	
15401/2022	Keshpati Bai Vs. State of Rajasthan	
16844/2022	Mamta Bairwa Vs. State of Rajasthan	
14211/2022	Dharmendra Singh Vs. State of Rajasthan	Not considered experience certificate
14351/2022	Gajendra Dhabhai Vs. State of Rajasthan	
14654/2022	Neeraj Vs. State of Rajasthan	
14707/2022	Dharmendra Saxena Vs. State of Rajasthan	
14384/2022	Hariom KataraVs. State of Rajasthan	
15720/2022	Govind Kumar Mittal Vs. State of Rajasthan	
15837/2022	Mamta Sharma Vs. State of Rajasthan	
1697/2023	Sanjay Kumar Vs. State of Rajasthan	
6876/2023	Nand Kishor Kushwah Vs. State of Rajasthan	
15385/2022	Ramlal Singh Vs. State of Rajasthan	
15843/2022	Ashok Kumar Vs. State of	Not considered the





	Rajasthan	RS-CIT certificate
18677/2022	Aasha Meena Vs. State of Rajasthan	
16887/2022	Gopal Lal Prajapat Vs. State of Rajasthan	
18836/2022	Deendayal Pahadiya Vs. State of Rajasthan	
18888/2022	Magan Singh Gurjar Vs. State of Rajasthan	Not provide relaxation as per the rule 40(3) of Rajatshan Persons with Disabilities (Equal Opportunity, Protection of rights and full participation) Rules, 2011
14553/2022	Manoj Kumar Vs. State of Rajasthan	Not considered marksheet for purpose of computer qualification
14748/2022	Shankar Singh Jagariya Vs. State of Rajasthan	Not considered DCA/PGDCA computer qualification
16192/2022	Dalveer Singh Vs. State of Rajasthan	
1722/2023	Pinky Kumari Jat Vs. State of Rajasthan	
15845/2022	Mohan Dei Vs. State of Rajasthan	Not allowed to join
6905/2023	Kamlesh Kumar Sen Vs. State of Rajasthan	
3621/2023	Kousar Jahan Vs. State of Rajasthan	
15851/2022	Lokesh Kumar Malav Vs. State of Rajasthan	Higher meritorious candidate
15852/2022	Dinesh Chand Meena Vs. State of Rajasthan	
15978/2022	Urmila Champak Vs. State of Rajasthan	
1805/2023	Ambika Sharma Vs. State of Rajasthan	
1994/2023	Mamta Kumari Vs. State of Rajasthan	
16736/2022	Sandeep Sharma Vs. State of Rajasthan	
16863/2022	Prakant Singh Naswariya Vs. State of Rajatshan	Documents verification
1995/2023	Reena Miglani Vs. State of Rajasthan	
15803/2023	Ganesh Sahu Vs. State of Rajasthan	
473/2023	Jagdish Prasad Saini Vs. State of Rajasthan	Regarding consider the PCTI Certificate as





		equal to the RS-CIT
15389/2022	Rajkaran Bairwa Vs. State of Rajasthan	Regarding documents verification
15398/2022	Radheshyam Jatav Vs. State of Rajasthan	



34. Before eloping with the consideration of the *lis* in hand this Court deems it apposite to jot down certain indubitable facts qua the matter at hand:

34.1 **Advertisement & Vacancies:** In the year 2013, the Department of Rural Development and Panchayati Raj, Government of Rajasthan, issued an advertisement notifying 19,275 vacancies for the post of Lower Division Clerk (LDC) across the Panchayati Raj Institutions.

34.2 **Examination & Initial Appointments:** Pursuant to the recruitment, 18,415 candidates were declared successful, out of which 7,755 candidates were appointed and joined service in the year 2013 itself.

34.3 **Litigation:** During the pendency of the recruitment, a writ petition titled Archana and Ors. (*supra*) was filed before the Rajasthan High Court, Principal Seat Jodhpur, wherein vide interim order dated 15.07.2013, the recruitment process was stayed. The controversy qua grant of bonus marks then travelled till Hon’ble Supreme Court, consequential to which the appointments on the post of LDC were at halt, *in toto*.

34.5 **Revival of Recruitment:** After disposal of the SLPs, the recruitment exercise was revived. In compliance with the order dated 07.04.2017 in Arjun Ram Nain (*supra*), 1,805 further



appointments were made. Thus, by the year 2017, 9,560 posts stood filled.

34.6 **Cadre Restructuring:** During this period, the State undertook cadre restructuring across the three tiers of Panchayati Raj Institutions, resulting in a total of 12,911 sanctioned posts of LDCs. Out of these, 11,179 posts stood occupied (inclusive of those filled through the year 2013 recruitment).

34.7 **Vacant Posts & Departmental Action:** As per the respondents' record, approximately 4,000 posts remained vacant owing to restructuring and promotions. Vide departmental letter dated 07.09.2022, in compliance with interim orders of this Court, directions were issued to fill these vacant posts. Subsequently, appointments were made against 3,608 posts, leaving only 392 vacant posts, which later reduced further to 333 posts.

34.8 **Division Bench Decision:** The Division Bench of this Court in **Hari Om Meena (supra)** recorded the aforesaid factual matrix, held that the recruitment process of 2013 had reached its terminus, and concluded that no indefeasible right of appointment accrued to candidates merely by inclusion in the select/waiting list.

35. These writ petitions, instituted by aspirants to the post of LDC pursuant to the recruitment initiated in 2013, call in question the respondents' actions concerning cadre restructuring, variation in the number of advertised posts, and conclusions drawn in allied proceedings. During hearing, it transpired that a Division Bench of this Court has, in **D.B. Special Appeal (Writ) No. 251/2025, Hari Om Meena v. State of Rajasthan & Ors.**, comprehensively



addressed the controversy touching the continuation and culmination of the very same recruitment exercise, recording the status of vacancies and upholding the respondents' course of action. In view thereof, the principal issue urged before us stands no longer *res integra*. The relevant extract from the judgment of **Hari Om Meena (supra)** is reproduced herein below:



"9. In our opinion, the plea of malafide exercise of power by the State-respondents is not available to the appellants to challenge the decision not to fill up all the advertised vacancies. Whatever may be the reason, a recruitment process cannot continue for years together after publication of the result. It shall be clear breach of mandate under Articles 14 and 16 of the Constitution of India if a direction is issued to fill up the unfilled advertised vacancies after about 12 years. Any appointment in the Government must be made having due regard to the merit of the candidates and, therefore, we find that the writ Court did not commit any error in law while ordering that the appointment against the vacant 392 posts shall be made by examining the merit position, eligibility and other credentials for the post of L.D.C. This is a well-settled position in the law that a mere participation in the recruitment exercise does not provide a legal right to the candidate to seek appointment. In "Jatendra Kumar v. State of Punjab" (1985) 1 SCC 122, the Hon'ble Supreme Court held that it is open to the Government to decide how many appointments would be made. In "State of Haryana v. Subhash Chander Marwar" (1974) 3 SCC 220, the candidates securing less than 55% marks were not selected whereas there was a requirement under the rules to secure only 45% marks. The Hon'ble Supreme Court observed that the existence of vacancies does not give any legal right to a selected candidate to claim appointment. In "Shankarsan Dash v. Union of India" (1991) 3 SCC 47, the Hon'ble Supreme Court observed that a candidate in the select list shall have no vested right to seek appointment and in a given case the employer can take a decision not to make appointment to a particular post or number of vacancy. Pertinently, the State-



respondents have brought to the notice of the Court that a fresh recruitment process has been initiated vide advertisement dated 29th August 2024 after the recruitment process of 2013 came to an end.

10. In view of the aforesaid discussions, we do not find any reason to interfere in these matters and, accordingly, D.B. Special Appeal Writ Nos. 251 of 2025, 1160 of 2024, 1230 of 2024, 1231 of 2024, 255 of 2025, 292 of 2025, 414 of 2025 & 457 of 2025 are dismissed."

36. In addition, pronouncements of the Hon'ble Supreme Court in the ratio of **Shankarsan Dash (supra)** upheld in the dictum of

Tej Prakash Pathak (supra) reiterate well-settled principles:

(i) inclusion in a select/waiting list confers no indefeasible right to appointment;

(ii) the State may, in appropriate circumstances, vary the intake or even recalibrate processes in furtherance of policy/administrative exigencies; and

(iii) while the "rules of the game" cannot be altered mid-process in respect of eligibility and the manner of selection, employer discretion to adjust vacancies expressly reserved in the advertisement does not, *ipso facto*, infract the law.

POINTS OF DETERMINATION:

(i) Whether, post the Division Bench decision in **Hari Om Meena (supra)**, any live issue survives that warrants re-examination by this Court, in this cohort of petitions?

(ii) Whether the petitioners can, notwithstanding the Division Bench ruling and settled precedent, compel the State to:



(a) treat the originally advertised number of vacancies as immutable, and/or

(b) issue appointments beyond the presently available sanctioned vacancies?



ANALYSIS:

37. The petitioners herein assert that after the year 2013 advertisement (19,275 LDC posts) and subsequent litigation, the respondents unlawfully 'restructured' and reduced the available posts, allegedly changing the 'rules of the game', producing arbitrariness and a 'pick-and-choose' implementation, that violates the fundamental rights of the petitioners as enshrined under the provisions of Articles 14 and 16 of the Constitution of India whereas the respondents counter that:

- (a) Substantial appointments are already made;
- (b) Cadre restructuring across tiers rationalised the LDC strength;
- (c) The 2013 advertisement reserved liberty to increase/decrease vacancies;
- (d) The process cannot be kept alive indefinitely; and
- (e) The ratio passed in **Hari Om Meena (supra)** has already concluded the controversy, recording that only a small residue of posts remains as many of the posts are already filled.

38. Addressing to the aforementioned points of determination, the following aspects are worth consideration:



38.1 **Issue no longer *res integra*:** It is not in dispute that the Division Bench of this Court in **Hari Om Meena (supra)** conclusively adjudicated upon the controversy arising out of the recruitment process initiated in the year 2013 for the post of Lower Division Clerk. The Division Bench, upon an exhaustive consideration of the relevant material, duly recorded the factual position with respect to sanctioned strength, filled posts and vacancies, and, having regard to the lapse of considerable time, unequivocally declined to keep the process alive in perpetuity. The said pronouncement, having attained finality, as no appeal is preferred by the aggrieved party therein, operates as a binding precedent upon all coordinate and subordinate Benches in view of the well-established doctrine of *stare decisis, et non quieta movere*, meaning, that settled legal issues ought not to be unsettled save upon a demonstrable distinction in facts or a supervening change in law.

38.1.1 In the present batch of petitions, no such distinguishing feature or subsequent alteration in the legal landscape is brought to the notice of this Court. Consequently, the controversy is no longer *res integra* and stands foreclosed by authoritative judicial determination.

38.1.2 Furthermore, the salutary maxim *interest reipublicae ut sit finis litium* meaning that it is in the larger interest of the State and society that litigation must come to an end, is directly attracted to the facts at hand.

38.1.3 The recruitment exercise in question has already spanned over a period of twelve long years, and any attempt to



judicially resuscitate the process at this stage would amount to keeping it on artificial life support, in disregard of final pronouncements of a coordinate Division Bench. Such an approach would not only undermine judicial discipline but would also be antithetical to the principles of finality and certainty in the administration of justice. Thus, viewed from any angle, the petitions stand barred by reason of binding precedent and settled law, and no indulgence can be granted by this Court in contravention thereof.

38.2 **No Indefeasible Right to Appointment:** It is trite law in service jurisprudence that a candidate whose name finds place in a select list or who is otherwise successful in a recruitment examination acquires no indefeasible or vested right to appointment. Such inclusion confers a right to be considered for appointment in accordance with extant rules and policy, but it does not curtail the discretion of the appointing authority to regulate the extent of intake. This principle was enunciated unambiguously by the Constitution Bench of the Apex Court in the ratio of **Shankarsan Dash (supra)**, wherein it was held that mere selection does not guarantee appointment, and the employer is under no legal duty to fill up all or any of the vacancies, provided its decision is not vitiated by arbitrariness.

38.2.1 Similarly, in **State of Haryana v. Subash Chander Marwaha:(1974) 3 SCC 220**, the Supreme Court upheld the authority of the State to prescribe standards higher than the minimum prescribed and to regulate appointments consistently with public policy, thereby emphasizing that the



obligation to fill every notified vacancy is neither absolute nor inflexible.

38.2.2 The said judicial principle is recently followed in the ratio of **Arabinda Rabha (supra)** wherein the Hon'ble Supreme Court categorically held that judicial review in matters of recruitment does not extend to compelling the State to fill all advertised posts, nor to interfere with legitimate policy choices, including cancellation, modification, or regulation of recruitment exercises, so long as the action is traceable to lawful administrative considerations and does not suffer from mala fides, colourable exercise of power, or manifest arbitrariness. The Court underscored that the scope of judicial intervention is circumscribed, and deference is owed to executive policy in the absence of demonstrable illegality.

38.2.3 In the present case, the petitioners are unable to point to any mala fides or arbitrariness; their grievances are but a reiteration of contentions that already stand repelled in earlier proceedings. Consequently, the challenge laid by them cannot be sustained.

38.2.4 Where the recruitment notification expressly reserves to the employer the liberty to increase or decrease vacancies, exercise of that liberty *per se* does not amount to altering the "rules of the game". The rule against mid-stream change protects eligibility norms and the procedure or the method of selection, it does not ossify the vacancy position when the advertisement itself contemplates fluctuation.



38.2.5 The petitioners' reliance on the ratio of **Tej Prakash Pathak (supra)** is, therefore, misplaced as a matter of ratio. After years of litigation and intervening restructuring, to compel appointments beyond presently sanctioned/available posts would be to command the impossible or to weaponise interim protections into substantive rights, however, both are impermissible.

38.3 **The allegation of arbitrariness and alleged pick and choose:** The use of said approach in the matter of appointments vis-à-vis the controversy in hand is wholly misconceived. The Division Bench, while adjudicating the earlier round of litigation arising out of the year 2013 LDC recruitment, had already undertaken a comprehensive exercise of examining the sanctioned strength, the posts filled, and the vacancies then available. Upon such scrutiny, the Division Bench directed closure of the process in consonance with the sanctioned cadre strength and prevailing availability. Subsequent compliance communications placed on record reflect that the said directions were duly adhered to by the respondents.

38.3.1 In this background, due to absence of any cogent demonstration of a specific departure from the binding directions of the Division Bench, or any evidence of a colourable exercise of power post such adjudication, the present generic plea of the petitioners qua 'pick and choose' stands bereft of factual or legal foundation.

38.3.2 It is note-worthy that the appointments which were effected were confined to candidates who possessed the



requisite eligibility qualifications as prescribed under the advertisement governing the 2013 LDC recruitment. Furthermore, the judicial precedents governing the grant of bonus marks, which is, an issue extensively litigated and settled by various pronouncements, was already taken into account at the relevant stage, and the recruitment process was operated accordingly.

38.3.3 In such circumstances, the course adopted by the respondents, having already received judicial imprimatur from the Division Bench, cannot now be re-opened on the basis of sweeping allegations lacking in substantiation.

39. For the sake of convenience and to substantiate the afore-noted grounds, this Court deems it apposite to reiterate the relevant extract from **Arabinda Rabha (supra)**, as under:

*"53. Since we find question (b) supra to be a question of frequent occurrence engaging the courts of law, it is considered fruitful to take it up for an answer now. **It has been argued that by dint of mere empanelment/enlistment of an aspirant's name for filling up a public post, no right accrues in favour of such an aspirant to move the writ court for redress. We do not consider that an empanelled or a selected candidate has absolutely no right to move the writ court. We are conscious of the line of decisions of this Court and have noted some of them here, which lay down the law that mere empanelment/enlistment does not result in accrual of any indefeasible right in favour of such empanelled/selected candidate as well as the law that the employer may, in its wisdom, either decide to cancel the select list or not carry on the process further resulting in the***



notified/advertised vacancy/vacancies not being filled up pursuant to the selection process, which has been conducted. What it means is that an empanelled/selected candidate can claim no right of appointment, if the State has cogent and germane grounds for not making the appointment.

However, at the same time, it is also the law that the appointing authority cannot ignore the select panel or decline to make the appointment on its whims. Shankarsan Das (supra) cautions that the State has no licence to act in an arbitrary manner. In *R.S. Mittal v. Union of India*: 1995 Supp (2) SCC 230, a coordinate bench held that when a person has been selected by the Selection Board and there is a vacancy which can be offered to him, keeping in view his merit position, then, ordinarily, there is no justification to ignore him for appointment and that there has to be a justifiable reason to decline to appoint a person who is on the select panel. The position in law finds reiteration in a decision of recent origin in *Dinesh Kumar Kashyap v. South East Central Railway*: (2019) 12 SCC 798, where the majority held that the employer must give cogent reasons for not appointing selected candidates."

(Emphasis supplied)

40. The Constitution Bench of the Hon'ble Supreme Court in **Shankarsan Dash (supra)** considering various judicial precedents and, taking cue from them, held that:

"7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for



recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted. ..."

(Emphasis supplied)

CONCLUSION:

41. In view of the foregoing discussion, this Court finds no merit in the present batch of petitions for the reasons that the controversy relating to the recruitment of Lower Division Clerks pursuant to the year 2013 advertisement already stands comprehensively adjudicated by the Division Bench in the case of **Hari Om Meena & Ors. (supra)**; that the said pronouncement is binding under the doctrine of *stare decisis* and forecloses re-agitation of the very same issues, especially when the aggrieved party has preferred no appeal against the same; that the law is well settled, beginning with **Shankarsan Dash (supra)** and **Subash Chander Marwaha (supra)**, that mere inclusion in a select or waiting list does not confer an indefeasible right to appointment; that the employer retains discretion to regulate intake in accordance with sanctioned strength, policy considerations, and administrative exigencies, subject only to the constraint of non-arbitrariness; that the plea of arbitrariness and



'pick and choose' is equally unsustainable as the Division Bench had already recorded the factual position regarding sanctioned and filled posts, directed closure of the process, and noted subsequent compliance.

PARTING NOTE:

42. Before parting, this Court deems it apposite to note with concern, the manner in which a recruitment process initiated in 2013 has generated unending streams of litigation, consuming valuable judicial time for more than a decade. While the right of an aspirant to ventilate grievances is sacrosanct, there must equally be recognition of the public interest in certainty, stability, and closure. Moreover, the endless contestation over settled issues not only burdens the administration of justice but also unsettles service cadres and thwarts efficient governance. Moreso, ultimately, this Court's role is to safeguard fairness, not to assume the mantle of cadre management. Where the field already stands settled by a coordinate Bench, judicial discipline demands deference rather than intervention.

43. The settled field cannot be unsettled merely on account of repetitive challenges which, in substance, seek to re-agitate matters already determined. In such a situation, judicial deference to the binding pronouncement of Division Bench is not merely a matter of prudence but of doctrinal compulsion. Intervention by this Court, in absence of demonstrable illegality, mala fides, or manifest arbitrariness post-adjudication, would transgress the limits of review and convert the Court into a super-manager of the



service cadre, a role which the constitutional scheme does not envisage.

44. In light of the aforementioned, and taking note of the fact that the preliminary controversy is already adjudicated by the ratio encapsulated in **Hari Om Meena (Supra)**, this Court is of a view that the ancillary issues have lost their value, for consideration and adjudication; moreover, are rendered infructuous with efflux of time and pronouncement of **Hari Om Meena (supra)**. Accordingly, for all the reasons set out hereinabove, the present batch of petitions being devoid of merit is hereby dismissed. In the facts and circumstances of the case, there shall be no order as to costs. Pending applications, if any, shall stand disposed of.

(SAMEER JAIN),J

Preeti Asopa