

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

D.B. Special Appeal Writ No. 784/2025

IN

D.B. Civil Writ Petition No.11411/2012

Akash Kumar Nama S/o Shri Surendra Kumar Nama, aged about 40 years resident of House No.27/310, Ward No.23, Retwali, Kota (Raj.)

----Appellant

Versus

State Of Rajasthan, through Secretary, State Level Municipal (subordinate & Ministerial Services) Commission, Department of Local Self Government, Swayat Shasan Bhawan, G-3, Raj Mahal Residency Area, Jaipur, 302001

----Respondent

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For Appellant(s) : Dr. Abhinav Sharma with  
Ms. Puja Sharma,  
Mr. Akshaya Verma &  
Mr. Vishal Choudhary

For Respondent(s) :

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**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA**  
**HON'BLE MRS. JUSTICE SANGEETA SHARMA**

**Order**

**12/01/2026**

1. This is an appeal assailing the order dated 10.03.2025 passed by the learned Single Judge whereby, the writ petition was dismissed considering that there are disputed questions of fact and that the appellant was approximately above 40 years of age on the date of passing of the order.

2. Learned counsel for the appellant submits that the appellant was an in-service candidate and age of 40 years would not come as an embargo for consideration of his candidature and therefore, the learned Single Judge ought not to have dismissed the petition

on that ground. He also submits that there are vacant seats available and the said fact was already placed on record.

3. We have considered the submissions. While we agree that merely on crossing the age of 40 years, the appellant could not have been ousted and the writ petition would not be liable to be dismissed on that count. However, we notice, on facts, that the appellant had applied for the post of Assistant Fire Officer for which advertisement was issued on 08.09.2011. The respondents had issued letters for calling persons for interviews which were to be conducted from 23.06.2012 to 24.06.2012 and it is the submission of the appellant that the appellant did not receive the call letter. Whether he receive the call letter or not is purely a question of fact which cannot be gone into while examining the writ petition.

4. However, the fact remains that the posts of Assistant Fire Officer in terms of the advertisement have already been filled and the appointments have already been made. After lapse of almost 13 years, no relief for directing the appellant to appear for interview can be issued by this Court. It is also noticed that in the reply, the respondents have stated that further advertisement was issued on 13.12.2015 and the selection process in terms of that advertisement has already been finalized.

5. Thus, from all corners, we find that no relief can be granted to the appellant after almost 13 years and the writ petition has become *otiose*. We, therefore, do find any reason to entertain the contentions of the appellant and we hold that the appellant cannot be granted the relief as claimed after almost 13 years.

6. The appeal is, accordingly, dismissed. Pending application, if any, also stands dismissed.

(SANGEETA SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

RAHUL MIRKHANI/23