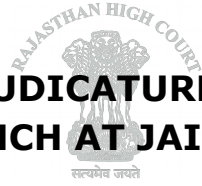




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 7762/2022

1. Raju Devi D/o Nathu Lal, Aged About 44 Years, Resident Of Ward No.-2 Heravas Post Kanthiya Dantaramgarh District Sikar (Rajasthan) (Merit No.11096)
2. Sandeep Gurjar S/o Shri Suresh Chand Gurjar, Resident Of Village Devlen Tehsil Todabhim District Karoli (Rajasthan) (Merit No.7597)
3. Yogesh Gurjar S/o Babulal, Resident Of Villagevajitpura, Post Piprau Tehsil Nadbai ,district Bharatpur (Rajasthan) (Merit No. 7764)
4. Anil Kumar S/o Shri Mahendra Singh, Resident Of Village Morak Post Manota Kalan Tehsil Nagar District Bharatpur(Rajasthan) (Merit No.7867)
5. Dholaram Gurjar S/o Maliram Gurjar, Resident Of Piplod Tehsil Shahpura District Jaipur (Rajasthan) (Merit No.7562)
6. Kalpana Harsana D/o Hakim Singh Harsana, Resident Of 2027 Riico Resdential Colony Ondela Road Dholpur (Rajasthan)(Merit No.7752)
7. Kamlesh Kumar Gurjar S/o Bhairuram Gurjar, Resident Of Village Gudha Baijnathpura Tehsil Viratnagar District Jaipur (Rajasthan)(Merit No.7695)
8. Mahveer Parsad Gurjar S/o Shriram Gurajar, Resident Of Village Chamarkiya Tehsil Aasindh District Bhilwara (Rajasthan)(Merit No.7739)
9. Ghanshyam Gurjar S/o Madholal Gurajar, Resident Of Vilage Sanvaliya Tehsil Chaksu District Jaipur (Rajasthan) (Merit No.7505)
10. Omaram S/o Bhairaram, Resident Of Village Lunavas Khurd Post Lunavas Kalan Tehsil Luni District Jodhpuar (Rajasthan)(Merit No.7422)
11. Bharti Gurjar D/o Shivraj Gurjar, Resident Of Village Khuntiyan Tehsil Vijaynagar District Ajmer (Rajasthan) (Merit No.11062)
12. Motilal S/o Durgaram, Resident Of Village Savalta Khurd Tehsil Rohat District Pali (Rajasthan)(Merit No.7974)
13. Mangal Singh S/o Nannu Gurjar, Resident Of Village





Bhedham Tehsil Deeg District Bharatpur (Rajasthan)(Merit No.7205)

14. Vaishanvi D/o Indersingh, Resident Of Village Mahadev Colony Rudaval Post Roopwas District Bharatpur (Rajasthan)(Merit No.8044)
15. Khusiram Gurjar S/o Badrilal Gurjar, Resident Of Village Post Ronija Tehsil Hindoli District Bundi (Rajasthan)(Merit No.7319)
16. Mansa Gurjar D/o Ramdev Gurjar, Resident Of Village Mohani Tehsil Piplu District Tonk (Rajasthan)(Merit No.7833)
17. Sumer Singh Gurjat S/o Fateh Singh Gurjar, Resident Of Village Gendpura Post Bajana Kalan Tehsil Hindau City District Karauli(Rajasthan)(Merit No.7332)
18. Rajendra Singh Banjara S/o Pokhpaal Singh, Resident Of Village Shivrampur Tehsil And District Dausa (Rajasthan) (Merit No.7854)
19. Rajusingh Gurjar S/o Girandhsingh, Resident Of Village Rajpura Tehsil Roopvas District Bharatpur (Rajasthan) (Merit No.7501)
20. Lokesh Gurjar S/o Budhram Gurajr, Resident Of Village Post Galod Tehsil Piplu District Tonk (Rajasthan)(Merit No.7502)
21. Ritik Gurjar S/o Ramrup Gurjar, Resident Of Village Aalavada Tehsil Hindaun City District Karauli (Rajasthan) (Merit No.7544)
22. Shravan Ram S/o Prakash, Resident Of Village Jhadeli Tehsil Jayal District Nagaur (Rajasthan)(Merit No.7387)
23. Rambhajan Gurjar S/o Madansingh, Resident Of Village Soni Tehsil Sarmathura District Dholpur (Rajasthan)(Merit No.7181)
24. Ashok Singh S/o Haricharan, Resident Of Village Medha Ka Pura Post Kaimari Tehsil Nandauti District Karauli (Rajasthan)(Merit No.7946)
25. Rajbhan Singh S/o Ajaychand, Resident Of Village Jaitpur Tehsil Rajakheda Dostrict Dholpur (Rajasthan)(Merit No.7953)
26. Rajeshchand Gurjar S/o Pardhan Gurjar, Resident Of





Village Mukundpura Tehsil Vonli District Swai Madhopur (Rajasthan)(Merit No.7235)

27. Deshendra Singh S/o Puran Singh, Resident Of Village Barvat Pura Tehsil Masalpur District Karauli (Rajasthan) (Merit No.7476)
28. Bholaram S/o Pharalad Gurjar, Resident Of Village Maina Teshil Nainva District Bundi (Rajasthan)(Merit No.7526)
29. Subhash Gurjar S/o Chhoturam Darota, Resident Of Village Chanwara Tehsil Udaipurvati District Jhunjhunu (Rajasthan)(Merit No.7219)
30. Anita Kumari Gurjar D/o Raghuveer Parsad, Resident Of Village Jahajpuriya Post Basauli Tehsil Hindauli District Bundi (Rajasthan)(Merit No.7783)
31. Neetu Singh D/o Karkar Singh, Resident Of Village Uchail Tehsil Roopwas District Bharatpur (Rajasthan)(Merit No.7990)
32. Mahendra Kumar S/o Ramsingh, Resident Of Village Dhani Badakuwa Post Dalatpura Tehsil Neem Ka Thana District Sikar (Rajasthan)(Merit No.7706)
33. Kedar S/o Moolchand, Resident Of Village Bhad Post Matuki Teshil Pahadi District Bharatpur (Rajasthan)(Merit No.7171)
34. Hotiram Devasi S/o Nimbaram, Resident Of Village Arti Tehsil Sedawa District Badmer (Rajasthan)(Merit No.7443)
35. Hariom Gurajar S/o Jagdish Parsad Gurajar, Resident Of Suwasada Post Sisola Tehsil Nainva District Bundi (Rajasthan)(Merit No.7595)
36. Vasudev S/o Tejsingh Gurjar, Resident Of Village Raseri Tehsil Bayana District Bharatpur (Rajasthan)(Merit No.7640)
37. Ramvatar S/o Sugansingh, Resident Of Village Panhori Tehsil Deeg District Bharatpur (Rajasthan)(Merit No.7586)
38. Shivparkash Gurajr S/o Ramhet Gurajr, Resident Of Village Post Chirawada Chakan Tehsil Nandauti District Karauli (Rajasthan)(Merit No.7813)
39. Samandar Singh S/o Babusingh, Resident Of Village Kutukpur Post Gajipur Teshil Mahwa District Dausa



(Rajasthan)(Merit No.7805)

40. Mukesh Guirajar S/o Kanhailal Gurjar, Resident Of Ratvai Post And Tehasil Todaraisingh District Tonk (Rajasthan) (Merit No.7881)
41. Mohan Singh Gurjar S/o Ramsingh Gurjar, Resident Of Village Muhana Teshil Nandauti District Karauli (Rajasthan)(Merit No.7931)
42. Minakshi D/o Mohan Singh, Resident Of Village Devlen Teshil Todabhim District Karuli (Rajasthan)(Merit No.7773)
43. Narangi Devi D/o Bhagirath Mal, Resident Of Village And Post Behlod , Tehsil Jamua Ramgarh District Jaipur (Rajasthan) (Merit No. 7965)
44. Ramsingh S/o Ramratan Gurjar, Resident Of Nanagwas Post Raipur Patan , Tehsil Neem Ka Thana District Sikar (Rajasthan) (Merit No. 7884)
45. Sardar Singh Gurjar S/o Ambalal Gurjar, Resident Of Vijay Govindpura Tehsil Niwai District Tonk (Rajasthan) (Merit No. 7498)
46. Pooja Gurjar D/o Gopla Lal Gurjar, Resident Of Roop Pura Araniya Gohra Tehsil Shahpura District Jaipur (Rajasthan) (Merit No. 8050)
47. Swara Gurjar D/o Ramroop Gurjar, Village Gothada Lakhanpur , Tehsil Bonli, District Sawai Madhopur(Rajasthan) (Merit No. 7851)
48. Rajveer Singh Gurjar S/o Harphool Gurjar, Resident Of Rawasa Post Bans Tehsil Bonli District Sawai Madhopur (Rajasthan) (Merit No. 7905)
49. Jagdish Gurjar S/o Roopnarayan Gurjar, Resident Of Gurjaro Ka Mohlla Malpura District Tonk (Rajasthan)(Merit No.7454)
50. Gabbar Singh S/o Ram Nageena, Resident Of Village And Post Khadagpur District Dholpur (Rajasthan(Merit No.7930)

----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary Department Of Primary Education, Government



Secretariat, Jaipur.

2. Director Elementary Education, Rajasthan, Bikaner, Directorate Of Elementary Education Bikaner (Rajasthan).
3. Secretary, Board Of Secondary Education, Rajasthan, Ajmer (Rajasthan)

-----Respondents

Connected With

S.B. Civil Writ Petition No. 7037/2022

1. Anjana Kumari D/o Shri Balveer Singh, Aged About 25 Years, Resident Of Village Kaimasi Post Nekpur Tehsil Roopwas District Bharatpur(Rajasthan) (Merit No. 8040)
2. Dhirendra Gurjar S/o Shri Fateh Singh, Resident Of Village Kemari Tehsil Nadoti District Karoli (Rajasthan) (Merit No. 7793)
3. Sachin S/o Jeetram, Resident Of Village Moondiya, Tehsil Todabhim , District Karoli (Rajasthan) (Merit No. 7785)
4. Jay Kishan Gurjar S/o Shri Chhotulal Gurjar, Resident Of Village Lunera Post Dahlod Tehsil Niwai District Tonk (Rajasthan) (Merit No. 7438)
5. Balram Singh S/o Shri Govind Singh, Resident Of Village Nayagaon Kala, Post Kanawar Tehsil Bayana District Bharatpur (Rajasthan) (Merit No. 7963)
6. Vimal Kumar S/o Virendra Singh, Resident Of Village Unche Ka Pura Post Pipalpura District Karoli (Rajasthan) (Merit No. 7810)
7. Vimlesh Kumari D/o Mahendra Singh, Resident Of Ranph Tehsil Pahadi District Bharatpur (Rajasthan) (Merit No. 7791)
8. Rajendra Singh Gurjar S/o Panchu Singh Gurjar, Resident Of Village Sargaon Post Sarmalia Tehsil Beawar District Ajmer (Rajasthan) (Merit No. 7511)
9. Sunil Kumar S/o Kailash, Resident Of Village And Post Tapra Jhiri , District Baran (Rajasthan) (Merit No. 7419)
10. Kunwar Singh S/o Kamal Singh, Resident Of Bajaheda Post Mundot Tehsil Nagar District Bharatpur (Rajasthan) (Merit No. 7482)
11. Kunwar Singh S/o Sher Singh, Resident Of Village And Tehsil Mahwa District Dausa (Rajasthan) (Merit No.





7952)

12. Yogesh Kumar S/o Shri Sua Lal, Resident Of Village And Tehsil Bamnwas District Sawai Madhopur (Rajasthan) (Merit No. 7480)
13. Devendra Bhadana S/o Mishrilal, Resident Of Village Islampur Post Mohmadpur Tehsil Behror District Alwar (Rajasthan) (Merit No. 7226)
14. Mahesh Gurjar S/o Shri Magan Gurjar, Resident Of Village Padeva Post Rampur Dhabai Tehsil And District Karoli (Rajasthan) (Merit No. 7406)
15. Jagdish Kumar S/o Shri Kevaram, Resident Of Village And Post Kodaka Tehsil Raniwada District Jalor (Rajasthan) (Merit No. 7688)
16. Sumitra Kumari Gurjar D/o Shri Mangeelal, Resident Of Mamtoli Post Navalpura Tehsil Shahpura District Jaipur (Rajasthan) (Merit No. 7918)
17. Mukesh Kumar Gurjar S/o Bhanwar Lal Gurjar, Village And Tehsil Aamer District Jaipur (Rajasthan) (Merit No. 7388)
18. Vikram Singh S/o Boduram, Resident Of Village Kolyali Post Kalota Tehsil Khetri District Jhunjhnu(Rajasthan) (Merit No. 7477)
19. Kevaram S/o Maknaram, Resident Of Village Mooli Post Jhav Tehsil Chitalwana District Jalor (Rajasthan) (Merit No. 7545)
20. Krishna Kumar S/o Sanwalaram, Resident Of Village Seli Post Jhav Tehsil Chitalwana District Jalor (Rajasthan) (Merit No. 7304)
21. Yashvendra Kumar Bainsla S/o Shivdayal Singh Bainsla, Resident Of Jungeenpura Post Sundar Pura District Karoli (Rajasthan) (Merit No. 7908)
22. Digambar Singh S/o Girdhar Singh, Resident Of Gajnua Post Samri Tehsil Bayana District Bharatpur (Rajasthan) (Merit No.7659)
23. Ramprakash S/o Shri Nirbhay Singh, Resident Of Village Gurjar Balai Post Khera Thakur Tehsil Roopwas District Bharatpur (Rajasthan) (Merit No. 7864)
24. Rekha Singh D/o Khushiram Tanwar, Resident Of Village





Tigariya Tehsil Todabhim District Karoli (Rajasthan) (Merit No. 8054)

25. Pradeep Baghela S/o Prabhudayal Baghela, Resident Of Village Gadherpura Post Bajriya Tehsil And District Dholpur (Rajasthan) (Merit No. 7538)
26. Lokendra S/o Visambhar Singh, Resident Of Ghehri Post Daulatgarh District Bharatpur (Rajasthan) (Merit No. 7527)
27. Ashok Singh S/o Haricharan, Resident Of Medha Ka Pura Post Kaimari Tehsil Nandoti District Karauli (Rajsthan) (Merit No. 7946)
28. Sarita Siradhana D/o Mohansingh Siradhana, Resident Of House No 3203, Suthar Khana Mohalla, Nasirabad District Ajmer (Rajasthan)(Merit No.11012)
29. Pawan Singh Pilwal S/o Bijendra Singh Pilwal, Resident Of Dubbi Tehsil Baswa District Dausa (Rajsthan)(Merit No. 7740)
30. Raman Singh S/o Rajaram Gurjar, Resident Of Subedar Ka Pura Post Siloti Tahsil Maslpur District Karuli(Rajasthan) (Merit No. 10216)
31. Parkash Singh S/o Ramsharan, Resident Of Pasopa Tehsil Deeg District Bharatpur (Rajsthan)(Merit No. 7414)
32. Sheela Gurjar D/o Ramesh Gurjar, Resident Of Rajpur Bas Chandwaji Tehsil Aamer District Jaipur(Rajsthan)(Merit No. 11025)
33. Sardarmal Gurjar S/o Puranmal Gurjat, Resident Of Mohana Ki Dhani Post Thamod Tehsil Viratnagar District Jaipur (Rajsthan)(Merit No.7823)
34. Vishram S/o Gulle, Resident Of Barana Post Sonkh Tehsil Kathumar District Alwar (Rajsthan)(Merit No. 7320)
35. Devendra Singh S/o Mukesh Kumar, Resident Of Barana Post Sonkh Tehsil Kathumar District Alwar (Rajsthan) (Merit No. 7672)
36. Shankar Lal Devasi S/o Bhinwaram Devasi, Resident Of Modar Post Sumerpur District Pali (Rajasthan)(Merit No. 7634)
37. Anoop Kumari D/o Bachhu Singh, Resident Of Pandeka Post And Tehsil Pahadi District Bharatpur (Rajsthan)(Merit





No. 7787)

38. Sunil S/o Bheem Singh, Resident Of Barana Post Sonkh Tehsil Kathumar District Alwar (Rajsthan)(Merit No. 7664)
39. Atal Singh Gurjar S/o Jagdish Gurjar, Resident Of Tigiriya Ka Pura Tehsil Todabhim Disrict Karauli (Rajsthan)(Merit No 7658)
40. Dhanaram S/o Naranaji, Resident Of Bhatana Tehsil Revdhar District Sirohi (Rajsthan)(Merit No 7507)
41. Amit Kumar Gurjar S/o Laxminarayn Gurjar, Resident Of Devipura Post Hathi Deh Tehsil Shrimadhopur District Sikar (Rajsthan)(Merti No 7841)
42. Soji Kumar Gurjar S/o Manglaram Gurjar, Resident Of Santoshpura Tehsil Viratnagar District Jaipur (Rajsthan) (Merit No.7955)
43. Rashi Gurjar D/o Shribhan Gurjar, Resident Of Atkoli Post Khedali Gurjar Tehsil Suroth District Karuli (Rajsthan) (Merit No. 7875)
44. Rashmi Gurjar D/o Nathi Singh Gurjar, Resident Of Katara Tehsil Nadbhai District Bharatpur (Rajsthan)(Merit No. 7962)
45. Narendra Kumar Gochar S/o Gobarilal Gurjar, Resident Handiya Kheda Post Kapran Tehsil Keshoyarapatan District Bundi (Rajsthan)(Merit No. 7857)
46. Hanuman Lal Gurjar S/o Dulichand Gurjar, Resident Of Bhorl Bagichi Post Tyod Tehsil Sambhar Lake District Jaipur (Rajsthan)(Merit No.7926)
47. Aasharam S/o Hemsingh, Resident Of Khole Ka Pura Post Dhimari Tehsil Bhadi District Dholpur (Rajsthan)(Merit No. 7606)
48. Shyam Singh S/o Samansingh, Resident Of Kanvada Tehsil Kamna District Bharatpur (Rajsthan)(Merit No.7354)
49. Rahul Singh S/o Dhaniram, Resident Of Sundravali Tehsil Nagar District Bhartapur (Rajsthan)(Merit No.7730)
50. Sushil Kumar S/o Ramveer Singh, Resident Of Naya Gaon Post Devlen Tehsil Todabhim District Karauli (Rajsthan) (Merit No. 7298)
51. Krishan Gurjar S/o Kailash Chand Gurjar, Resident Of





Neemali Bajarangpura Tehsil Viratnagar District Jaipur (Rajsthan)(Merit No. 7369)

52. Bhairu Prakash Hun S/o Hemaraj Hun, Resident Of Khatkar Chauraha Tehsil And District Bundi (Rajsthan) (Merit No.7344)
53. Manraj Gurjar S/o Ramlal Gurjar, Resident Of Loharwara Tehsil Peeplu District Tonk (Rajsthan)(Merit No.7294)
54. Muniram Gurjar S/o Bharatlal Gurjar, Resident Of Dayalnagar Mirjapur Tehsil Gangapurcity District Swai Madhopur (Rajsthan)(Merit No.7382)
55. Brahmpal S/o Shrikishan, Resident Of Bhambari Post Karmuka Chulhera District Bharatpur (Rajsthan)(Merit No.7214)
56. Ramniwas S/o Vijendra Singh, Resident Of Shergarh Tehsil Bayana District Bharartpur (Rajsthan)(Merit No.7357)
57. Balisingh S/o Harkesh, Resident Of Peepal Kheda Golakapura Post Tigiraya Tehsil Hindaun District Karauli (Rajsthan)(Merit No.7852)
58. Surendra Singh Gurjar S/o Mohar Singh Gurjar, Resident Of Bhojpura Tehsil Sikaraya District Dausa (Rajsthan) (Merit No.7896)
59. Banwari Lal Gurjar S/o Bhinwaram Gurjar, Resident Harsh Via Sanwali Tehsil And Distirct Sikar (Rajsthan)(Merit No.7426)
60. Kuldeep Gurjar S/o Baluram Gurjar, Resident Of Newariya Tehsil Devali District Tonk (Rajsthan)(Merit No.7192)
61. Virendra Singh S/o Bhagwan Singh, Resident Of Khedali Gurjar Tehsil Suroth District Karauli (Rajsthan)(Merit No.7912)
62. Dhol Kunwar S/o Bakshi Singh, Resident Of Gurjar Balai Post Kheda Thakur Tehsil Roopwas District Bharatpur (Rajsthan)(Merit No.7899)
63. Naresh Kuamr Gurjar S/o Devkaran Gurjar, Resident Of Shyopura Post Saakun Tehsil Dudu District Jaipur (Rajsthan)(Merit No.7512)
64. Manisha Kumari D/o Lakhmisingh, Resident Of Kapraula Post Unchagaon Tehsil And District Bharatpur (Rajsthan)



(Merit No.7702)

65. Rohitash Gurjar S/o Badariparsad Gurjar, Residentr Of Partappura Manhorpura Tehsil Viratnagar District Jaipur (Rajsthan)(Merit No.7786)
66. Rajaram Gurjar S/o Mohanlal Gurjar, Resident Of Harigarh Tehsil Khanpur District Jhalawar (Rajsthan)(Merit No.7907)
67. Sushila Kumari Gurjar D/o Narulal Gurjar, Resident Of 263 Mota Devara Navaniya Tehsil Vallabhnagar District Udaipur (Rajsthan)(Merit No. 11089)
68. Rakesh Kumar Gurjar S/o Harjilal Gurjar, Resident Of Raghunathpura Post Sahaspuriya Tehsil Hindoli District Bundi (Rajsthan)(Merit No. 7913)
69. Gautam Gurjar D/o Kirshana Kumar, Resident Of Naraharpur Tehsil Wair District Bharatpur (Rajsthan)(Merit No.7716)
70. Pooja Kumari D/o Mukesh, Resident Of Rasilpur Tehsil Roopvash District Bharatpur (Rajsthan)(Merit No.7772)
71. Ranjeet Singh Gurjar S/o Savantram Gurjar, Resident Of Jharaya Nagar Tehsil Udaipurvati District Jhunjhunu (Rajsthan)(Merit No.7927)
72. Seema Gurjar D/o Ramkaran Gurjar, Resident Of Kheenchas Post Bane Ka Barkheda Tehsil And Dausa (Rajsthan)(Merit No.8067)
73. Bhupendra Kumar S/o Lakhanlal, Resident Of Bilond Tehsil Kaman District Bharatpur (Rajsthan)(Merit No.7866)
74. Dharam Singh Gurjar S/o Ramphool Gurjar, Resident Of Ganeshpura Post Swaimadhosingh Pura Tehsil Chaksu District Jaipur (Rajsthan)(Merit No.7585)
75. Hemaram S/o Amanaram, Resident Of Rai Ka Bas Mandali Tehsil And District Pali (Rajsthan)(Merit No.7937)
76. Kesar Devasi S/o Jasavantaram Devasi, Resident Of Raamderiya Tehsil And District Badmer (Rajsthan)(Merit No.7767)
77. Kartar Singh S/o Vishram Singh, Resident Of Khoh Tehsil Deeg District Bharatpur (Rajsthan)(Merit No.7954)
78. Ajabsingh S/o Ramveer Singh, Resident Of Babari Post Baroda Tehsil Bayana District Bharatpur (Rajsthan)(Merit

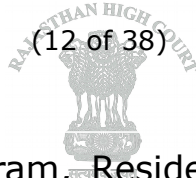




No.7239)

79. Maduram Gurjar S/o Moolchand Gurjar, Resident Of Hadrjanpura Tehsil Neem Ka Thana District Sikar (Rajsthan)(Merit No.7420)
80. Mamta D/o Gyarsilal, Resident Of Jeelo Tehsil Neem Ka Thana District Sikar (Rajsthan)(Merit No.7977)
81. Hemlata D/o Maheshchand, Resident Of Bajaheda Post Mundoti Tehsil Nagar District Bharatpur (Rajsthan)(Merit No.7815)
82. Sonu S/o Bhagatsingh, Resident Of Bhakhadvani Kaama District Bharatpur (Rajsthan)(Merit No.7644)
83. Harvindar S/o Brijmohan Singh, Resident Of Jind Ka Pura Post Khanwa Tehsil Roopwas District Bharatpur (Rajsthan) (Merit No.7281)
84. Jitrndra Singh S/o Rajaram, Resident Bhaua Post Kanchanpur Tehsil Masalpur District Karauli (Rajsthan) (Merit No.7218)
85. Preeti Kumari D/o Bhuramal, Resident Of Naya Gaon Post Devlen Tehsil Todabhim District Karauli (Rajsthan)(Merit No.8006)
86. Devi Singh Gurja S/o Harshroop Gurjar, Resident Of Kudaval Tehsil Todabhim District Karauli (Rajsthan)(Merit No.7393)
87. Rinkesh Kumari D/o Sirmohar, Resident Of Naya Gaon Kalan Post Kanawar Tehsil Bayana District Bharatpur (Rajsthan)(Merit No.7925)
88. Kamlesh Gurjar D/o Laxmanlal Gurjar, Resident Of Seepur Tehsil Shrimadhopur District Sikar (Rajsthan)(Merit No.7904)
89. Rajesh Kumar S/o Samay Singh, Resident Of Talimpur Post Navali Tehsil Bayana District Bharatpur (Rajsthan) (Merit No.7849)
90. Vishram Singh Gurjar S/o Indraaj Singh Gurjar, Resident Of Harisingh Ki Jod Tehsil Narayanpur District Alwar (Rajsthan)(Merit No.7757)
91. Shreeram Gurjar S/o Narsi Pratao Gurjar, Resident Of Sangha Ka Bas Tehsil Shahpura District Jaipur (Rajsthan) (Merit No.7418)





92. Devaram S/o Jaitaram, Resident Of Meethan Post Marol Tehsil Revdar District Sirohi (Rajsthan)(Merit No.7701)
93. Ramesh Gurjar S/o Rampal Gurjar, Resident Gudha Baijnathpura Tehsil Viratnagar District Jaipur (Rajsthan) (Merit No.7308)
94. Durgalal Gurajar S/o Madholal Gurjar, Resident Of Aastoli Tehsil And District Bundi (Rajsthan)(Merit No.7473)
95. Uganta Gurjar D/o Dhularam Gurjar, Resident Of Nya Tila Post Bhorkhandi Tehsil Peeplu District Tonk (Rajsthan) (Merit No.10373)
96. Mahendra Singh S/o Shyam Singh, Resident Of Sikandara Tehsil Bayana District Bharatpur (Rajsthan)(Merit No.7863)
97. Heeraram Raibari S/o Ramram, Resident Of Udavariya Tehsil Revdar District Sirohi (Rajsthan)(Merit No.7506)
98. Mararam Gurjar S/o Puranchand Gurjar, Resident Bamanvas Tehsil Bansur District Alwar(Rajsthan)(Merit No.7483)
99. Gyansingh S/o Giriraj Singh, Resident Of Muavali Post Karwari Tehsil Bayana District Bharatpur (Rajsthan)(Merit No.7258)
100. Surendra Singh S/o Kunwar Singh, Resident Of Har Nagar Tehsil Bayana District Bharatpur (Rajsthan)(Merit No.7719)
101. Dhanaram S/o Rameshwarlal, Resident Of Paldi Tehsil Kuchaman District Nagaur (Rajsthan)(Merit No.7628)
102. Parmanand Gurjar S/o Ramkarn Gurjar, Resident Of Nangal Bohra Post Parasoli Tehsil Bassi District Jaipur (Rajsthan)(Merit No.7806)
103. Shyamveer S/o Ratan Singh, Resident Of Sinsini Tehsil Deeg District Bharatpur (Rajsthan)(Merit No.7703)
104. Pushpendra Singh S/o Bijendra Singh, Resident Of Bawari Post Baroda Tehsil Bayana District Bharatpur (Rajsthan) (Merit No.7564)
105. Makhan Lal Gurjar S/o Jaipal Gurjar, Resident Of Kharva Post Gyanpura Tehsil Naryanpur District Alwar (Rajsthan) (Merit No.7914)
106. Rakesh Kuamr Kasana S/o Mansingh Kasan, Resident Of





Sikandara Tehsil Sikray District Dausa (Rajasthan)(Merit No.7924).

107. Narendra Mankash S/o Sohan Lal, Resident Of Mankas Tehsil Udaipuvati District Jhunjhunu (Rajsthan)(Merit No.7444)
108. Maina Gurjar D/o Bhagwanram, Resident Of Harsh Post Sanwali District Sikar (Rajsthan)(Merit No.8013)
109. Dhanraj Gurjar S/o Bhanwarlal Gurjar, Resident Of Hardatpura Post Suthda Tehsil Uniyara District Tonk (Rajsthan)(Merit No.7273)
110. Arvind Singh Gurjar S/o Atar Singh Gurjar, Resident Of Mathraypura Tehsil Vajirpur Distirct Swai Madhopur (Rajsthan)(Merit No.7877)
111. Rachana Kuamri Gurjar D/o Amar Singh Gurjar, Resident Of Budli Resident Of Brahman Broda Tehsil Sikaray District Dausa (Rajasthan)(Merit No.9747)
112. Sonam Gurjar D/o Sukhsingh, Resident Of Longtipura Tehsil Hindaun District Karauli (Rajasthan)(Merit No.7765)
113. Renu Kumari D/o Jagannath Parsad, Resident Of Randoli Post Jalalpur Tehsil Maniya District Dholpur (Rajasthan) (Merit No.7796)
114. Pritam Kumar Gurjar S/o Ratan Lal Gurajr, Resident Of Choosla Colony Sawar Tehsil Sawar District Ajmer (Rajasthan)(Merit No.7870)
115. Atul Gochar S/o Ramkaran Gochar, Resident Of Nimoda Hariji Tehsil Deegod District Kota (Rajasthan)(Merit No.7430)
116. Lokesh Kumar Gurjar S/o Heera Lal Gurjar, Resident Of Khuntala Tehsil Baswa District Dausa (Rajasthan)(Merit No.7553)
117. Preeti Kumari D/o Bhoopsingh, Resident Of Jungeenpura Post Sundarpura Tehsil And District Karauli (Rajasthan) (Merit No.7731)
118. Bhupendra Singh Gurjar S/o Narsiram Gurajr, Resident Of Rudhod Post Sundarpura Tehsil And District Karauli (Rajasthan)(Merit No.7569)
119. Peersingh S/o Ratan Singh, Resident Of Badanpura Post Suhans Tehsil Wair District Bharatpur (Rajasthan)(Merit





No.7576)

120. Devkishan S/o Bhanwarlal, Resident Of Dhulapura Tehsil Taleda District Bundi (Rajasthan)(Merit No.7961)
121. Digvijay Singh S/o Bangali Singh, Resident Jalalpur Tehsil And Distirct Dholpur (Rajasthan)(Merit No.7517)
122. Gabbar Singh S/o Kaluram, Resident Of Ghadi Jakhoda Post Bijaoli Tehsil Badi District Dholpur (Rajasthan)(Merit No.7934)
123. Lalaram S/o Kajodmal Gurjar, Resident Of Shrima Tehsil Lalsot District Dausa (Rajasthan)(Merit No.7185)
124. Rajesh Chand Gurjar S/o Pardhan Gurjar, Resident Of Mukundpura Post Kusalpura Tehsil Bonli District Swai Madhopur (Rajasthan)(Merit No.7235)
125. Jeetram S/o Hemsingh, Resident Of Imaratanpura Post Sundarapura District Karauli (Rajasthan)(Merit No.7723)
126. Bhanu Pratap S/o Rameshwar Singh, Resident Of Randoli Post Jalalpur Tehsil Mania District Dholpur (Rajasthan) (Merit No.7935)
127. Deep Kumar S/o Ramveer Singh, Resident Of Gunakpura Post Khanpura Tehsil Rajakheda District Dholpur (Rajasthan)(Merit No.7808)
128. Laxmanram Dewasi S/o Ajabram Dewasi, Resident Of Bhimana Tehsil Pindwara District Sirohi (Rajasthan)(Merit No.7561)
129. Manju Bai Gurjar D/o Dharasingh Gurjar, Resident Of Bavanpada Post Raipura Tehsil Sikrai District Dausa (Rajasthan)(Merit No.11091)
130. Dinesh Gurjar S/o Bachu Singh, Resident Of Delhi Gate Deeg District Bharatpur (Rajasthan)(Merit No.7464)
131. Sonvendra Gurjar S/o Ramprakash Gurjar, Resident Of Durga Colony Oodhela Road Dholpur (Rajasthan)(Merit No.7579)
132. Banwari Lal Gochar S/o Kajod Lal Gochar, Resident Of Jarvana Tehsil And District Bundi (Rajasthan)(Merit No.7561)
133. Lav Kumar S/o Laxman Singh, Resident Of Nayagaon Kalan Post Samraya Tehsil Bayana District Bharatpur (Rajasthan)(Merit No.7950)





134. Veervati D/o Maharaj Singh, Resident Of Alavada Tehsil Hindaun City District Karauli (Rajasthan)(Merit No.11044)
135. Hindaram Raibari S/o Manaram Raibari, Resident Of Siyakra Post Sompur District Sirohi (Rajasthan)(Merit No.7968)
136. Beena Chawra D/o Jhammanlal, Resident Of Ghankar Tehsil Tijara District Alwar (Rajasthan)(Merit No.11056)
137. Geeta Gurjar D/o Dharmveer Gurjar, Resident Of Rmagarh District Alwar(Rajasthan)(Merit No.7911)
138. Devendra Singh S/o Shab Singh, Resident Chhota Bhanpur Tehsil Sepu District Dholpur (Rajasthan)(Merit No.7713)
139. Karuna Devi D/o Mahendra Singh, Resident Of Naharpur Tehsil Wair DitRICT Bharatpur (Rajasthan)(Merit No.10259)

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary Department Of Primary Education, Government Secretariat, Jaipur.
2. Director Elementary Education, Rajasthan, Bikaner , Directorate Of Elementary Education Bikaner (Rajasthan).
3. Secretary , Board Of Secondary Education, Rajasthan, Ajmer (Rajasthan)

-----Respondents

S.B. Civil Writ Petition No. 7465/2022

Neelima Gurjar D/o Shri Rambaran Singh, W/o Ravi Gurjar, Aged About 27 Years, R/o Seth Ki Haveli, Birjapada Purana Shahar Dholpur

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Principal Secretary, Education Department, Govt. Of Rajasthan, Secretariat, Jaipur
3. Director, Elementary Education, Rajasthan, Bikaner

-----Respondents





S.B. Civil Writ Petition No. 7467/2022

Himanshu Gurjar S/o Shri Rambaran Singh, Aged About 24 Years, R/o Durga Colony, Ondela Road, Post Jiroli Dholpur

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Principal Secretary, Education Department, Govt. Of Rajasthan, Secretariat, Jaipur
3. Director, Elementary Education, Rajasthan, Bikaner

-----Respondents

S.B. Civil Writ Petition No. 10797/2022

1. Surendra Kumar Gurjar S/o Ramvilas Gurjar, Resident Of Rewasa Tehsil Bonli District Sawaimadhopur (Rajasthan) (Merit No. 7609)
2. Hari Shankar Gadri S/o Shri Dev Lal, Resident Of Village Post Nasudiya Shah Tehsil Aklera District Jhalawar(Rajasthan) (Merit No. 7442)
3. Dharmendra S/o Rajkumar, Resident Of Village Tigriya, Tehsil Todabhim , District Karoli (Rajasthan) (Merit No. 7402)
4. Premlata Gurjar D/o Shri Mukand Lal Gurjar, Resident Of Plot No. 28, Subhash Colony, Bhagat Ki Kothi District Jodhpur (Rajasthan) (Merit No. 11053)
5. Kshama D/o Shri Shyam, Resident Of Village Bad, Post Matuki Tehsil Pahadi District Bharatpur (Rajasthan) (Merit No. 11158)
6. Sachin Holkar S/o Narayan Singh Baghel, Resident Of Village Bansi Bagdi Tehsil Roopwas District Bharatpur (Rajasthan)(Merit No. 7212)
7. Priyanka Gurjar D/o Shri Kedar Singh, Aged About 22 Years, Resident Of Village Akbarpur Post Shri Mahaveer Ji Tehsil Hindon City District Karoli (Rajasthan) (Merit No. 7735)
8. Rakesh Kumar Banjara S/o Kallu Ram, Resident Of Village Khanikha- Devpura Post Modasa Tehsil Nainwa District Bundi (Rajasthan) (Merit No. 7970)





9. Rohit Kumar S/o Dhara Singh, Resident Of Village Fulwa Road, Post Harnada Shahji Tehsil Chhipa-Barod, District Baran (Rajasthan) (Merit No. 7375)
10. Ramniwas Gurjar S/o Teja Ram Gurjar, Resident Of Guda Post Palsana Tehsil Dantaramgarh District Sikar (Rajasthan) (Merit No. 7885)
11. Ajeet Singh S/o Mohan Singh, Resident Of Village Khakhawali Tehsil Nagar District Bharatpur (Rajasthan) (Merit No. 7705)
12. Veer Singh Gurjar S/o Shri Kalu Ram Gurjar, Resident Of Village Dhundha Post Jatwada Tehsil And District Sawai Madhopur(Rajasthan) (Merit No. 7850)
13. Guddi D/o Ramavtar, Resident Of Village Post Gahankar Tehsil Tijara District Alwar (Rajasthan) (Merit No. 7749)
14. Radha Krishna Gurjar S/o Shri Surgyan Gurjar, Resident Of Village Dabich-Gujran Post Talwara Tehsil Khandar District Sawaimadhopur (Rajasthan) (Merit No. 7293)
15. Siyaram Gurjar S/o Shri Bhanwar Lal Gurjar, Resident Of Village Tahla Post Sashpuriya Tehsil Hindoli District Bundi (Rajasthan) (Merit No. 7316)
16. Bhuri D/o Shri Naroti Lal, Resident Of Nagala Jharkar Tehsil Nadbai District Bharatpur (Rajasthan) (Merit No. 11047)
17. Keshar Gurjar D/o Kishan Lal Gurjar, Village Near Devnarayan Mandir, Gujro Ka Bas, Gajju District Naugor (Rajasthan) (Merit No. 11151)
18. Hariom S/o Indra Singh, Resident Of Village Kasana Ka Nagla Post Hukmi Khera Tehsil Suroth District Karauli(Rajasthan)(Merit No. 7936)
19. Ramraj Gurjar S/o Kallu Lal, Resident Of Village Kundala-Jakholi Kalan Post Negarh Tehsil Hindoli District Bundi (Rajasthan) (Merit No. 7515)
20. Ranjeet Singh S/o Shivdatt Singh, Resident Of Village Gurjar Kalan Khurd Post Kanchanpur, Japawali, Tehsil Badi District Dholpur (Rajasthan) (Merit No. 7257)
21. Meera D/o Chhajju Ram, Resident Of Village Post Baroda Kan Tehsil Kathumar District Alwar (Rajasthan) (Merit No. 11078)





22. Vedprakash Banjara S/o Badri Lal Banjara, Resident Of Village Fatehpur Bilendi District Banra (Rajasthan) (Merit No. 7799)
23. Pappu Lal Gurjar S/o Shri Harish Chander Gurjar, Resident Of Village Sangrampura Tehsil Kotari District Bhilwara (Rajasthan) (Merit No. 7465)
24. Rekha Bai D/o Ramji Lal, Resident Of Village Nibhor, Post Anantpura Tehsil Bahrar District Alwar (Rajasthan) (Merit No. 11166)
25. Shobha Ram Gurjar S/o Babu Lal Gurjar, Resident Of Village Chhanwas-Surya Post Badwas Tehsil Todaraisingh District Tonk (Rajasthan) (Merit No. 7737)
26. Kajodi Gurjar D/o Babu Lal Gurjar, Resident Of Ward No. 6, Chosala Tehsil Chaksu District Jaipur (Rajasthan) (Merit No. 7759)
27. Mona Kumari D/o Ram Babu, Resident Of Manjhi Tehsil Nadbai District Bharatpur (Rajasthan)(Merit No. 7721)
28. Shital Bai Gurjar D/o Amar Singh Gurjar, Resident Of Near Bal Vidhya Mandir, vardhman Nagar, Hindaun City District Karauli (Rajasthan)(Merit No. 7748)
29. Rameshwar Singh S/o Daulat Singh, Resident Of Village-Post Soopa Tehsil Bayana District Bharatpur (Rajasthan) (Merit No. 7403)
30. Munesh Singh Gurjar S/o Nihal Singh Gurjar, Resident Of Village Bonl Tahsil Todabhim District Karuli(Rajasthan) (Merit No. 7575)
31. Bhadar Mal Gurjar S/o Jethu Ram Gurjar, Resident Of Village Sujanpura Post Panchwa Tehsil Kuchaman City District Nagaur (Rajasthan)(Merit No. 7945)
32. Ramgopal S/o Babu Lal, Resident Of Village-Post Pavta Tehsil Mahwa District Dausa (Rajasthan)(Merit No. 7362)
33. Surma Devi D/o Ram Lal Gurjar, Resident Of Dodiyaana-Jethana, District Ajmer (Rajasthan)(Merit No. 10221)
34. Venesh D/o Radhyeshyam, Resident Of Gadarpura-Dhanora, District Dholpur(Rajasthan)(Merit No. 7991)
35. Rekha Gurjar D/o Ramswroop Gurjar, Resident Of Bus Stand Narena,tehsil Dudu, District Jaipur(Rajasthan)(Merit No. 10321)



36. Lalita Kumari D/o Murari Lal, Resident Of Khanwa,tehsil-Bayana,district Bharatpur (Rajsthan)(Merit No. 11122)

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary Department Of Primary Education, Government Secretariat, Jaipur.
2. Director Elementary Education, Rajasthan, Bikaner, Directorate Of Elementary Education Bikaner (Rajasthan).
3. Secretary, Board Of Secondary Education Rajasthan, Ajmer (Rajasthan)

-----Respondents

For Petitioner(s)	:	Mr. R.N. Mathur, Senior Advocate with Mr. Atar Singh Mr. Babu Lal Nasuna Mr. Prakash Chand Thakuria Mr. Aman Pareek and Mr. Abhishek Mewara Mr. Praveen Poswal
For Respondent(s)	:	Mr. Chinmay Saxena, AGC for Mr. S.S. Naruka, AAG

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

30/03/2026

1. All these writ petitions are filed by the petitioners in the matter of final selection list dated 27.04.2022 by which the petitioners have been allotted the district for appointment on the post of Teacher Grade-III (Level-I), thereafter, revised selection list dated 02.05.2022 by which the candidature of the petitioners were not included and their names have been removed being a reason that the petitioners have been given appointment in OBC category instead of MBC category.



2. S.B. Civil Writ Petition No. 7762/2022 has been filed by the petitioners with following prayers:

It is therefore, humbly prayed that your Lordships may graciously be pleased to accept and allow this writ petition and:

I. By an appropriate writ order or direction respondent be directed to give the appointment to the petitioners as per the Selection List dated 17.04.2022 and Selection List dated 27.04.2022 while treating the Petitioners within the OBC Category.

II. By an appropriate writ order OI direction revised Selection List dated 02.05.2022 may kindly be quashed and set aside.

III. And pass such other appropriate order or relief, in favor of the petitioners which this Hon'ble Court deems just and proper in the facts and circumstances of the case.

IV. The cost of the litigation may kindly be granted to the petitioner;

3. S.B. Civil Writ Petition No. 7037/2022 has been filed by the petitioners with following prayers:

"It is therefore, humbly prayed that your Lordships may graciously be pleased to accept and allow this writ petition and:

I. By an appropriate writ order or direction respondent be directed to give the appointment to the petitioners as per the Selection List dated 17.04.2022 and Selection List dated 27.04.2022 while treating the Petitioners within the OBC Category.

II. By an appropriate writ order OI direction revised Selection List dated 02.05.2022 may kindly be quashed and set aside.

III. And pass such other appropriate order or relief, in favor of the petitioners which this Hon'ble Court deems just and proper in the facts and circumstances of the case.

IV. The cost of the litigation may kindly be granted to the petitioner;"

4. S.B. Civil Writ Petition No. 7465/2022 has been filed by the petitioners with following prayers:

"It is therefore, humbly prayed that your Lordships may graciously be pleased to accept and allow this writ petition and:



i) By an appropriate writ order or direction the impugned order dated 01.05.2022 & 02.05.2022 may kindly be quashed and set aside and upheld the order dated 27.04.2022.

ii) By an appropriate writ order or direction the respondent may kindly be directed to select only MBC category candidates against the post reserved for MBC category.

iii) By an appropriate writ order or direction the respondent may kindly be directed to give appointment to the petitioner on the post of Teacher Grade-III Level-I by implementing order dated 27.04.2022 by which allotted district to the petitioner with all consequential benefit.

iv) Any other order which this Hon'ble Court deems just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

5. S.B. Civil Writ Petition No. 7467/2022 has been filed by the petitioners with following prayers:

i) By an appropriate writ order or direction the impugned order dated 01.05.2022 & 02.05.2022 may kindly be quashed and set aside and upheld the order dated 27.04.2022.

ii) or in alternative, the respondents may kindly be directed to allot district Dholpur to the petitioner according to his merit as well as preference.

iii) Any other order which this Hon'ble Court deems just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner.

6. S.B. Civil Writ Petition No.10797/2022 has been filed by the petitioners with following prayers:

"It is therefore, humbly prayed that your Lordships may graciously be pleased to accept and allow this writ petition and:

I. By an appropriate writ order or direction respondent be directed to give the appointment to the petitioners as per the Selection List dated 17.04.2022 and Selection List dated 27.04.2022 while treating the Petitioners within the OBC Category.

II. By an appropriate writ order or direction revised Selection List dated 02.05.2022 may kindly be quashed and set aside.

III. And pass such other appropriate order or relief, in favor of the petitioners which this Hon'ble Court deems just and proper in the facts and circumstances of the case.





IV. The cost of the litigation may kindly be granted to the petitioner;"

7. Considered submission of learned Senior Advocate appearing on behalf of the petitioners and learned counsel appearing on behalf of the respondents. Also considered the referred documents and the judgment dated 15.10.2019 in case of **Bharat Kumar Choudhary versus Union of India : S.B. Civil Writ Petition No. 12444/2019** passed by a Co-ordinate Bench of this Court at Principal Seat, Jodhpur.

8. The case of the petitioners is that the petitioners have qualified the Rajasthan Eligibility Examination for Teachers (for short 'the REET') for appointment on the post of Teacher Grade-III (Level-1st). The respondents have issued an advertisement for the recruitment of Teacher Grade-III (Level-1st) for the candidates who have qualified the REET Examination 2021. A total of 11,940 posts were advertised and out of which 11,500 posts were meant for teachers of General Education but subject to reservation as per applicable eligibility. The selection criteria was that the merit list would be prepared on basis of marks obtained by the candidate in the REET Examination, 2021 in their respective category.

9. The petitioners have submitted their application forms alongwith requisite qualification and district-wise priority as required in the advertisement. The petitioners have applied for Teacher Grade-III (Level-1st) in General Education in OBC (MBC) category with their district-wise priority. The respondents have issued selection list on 17th April 2022 wherein the petitioners were placed as per their rank in selection list on basis of marks obtained in REET Examination 2021. In continuation of earlier list,



the respondents have issued list on 27-04-2022 and allotted the district to the successful candidates to join on the post of Teacher Grade-III (Level-1st) and the petitioners were accordingly directed by the respondents.

10. The dispute arose when the respondents have revised the list on 2nd May 2022 and withdrawn the selection list dated 17th April 2022 which resulted into dropping of the candidature of the petitioners. The petitioners are aggrieved from removal of their names in subsequent revised list dated 2nd May 2022.

11. On basis of identification and claim of the petitioners for reservation in special category i.e. (MBC) within OBC category, the petitioners were considered against 5% reserved posts belong to MBC category. As a result, the petitioners were not considered for selection on the post reserved for OBC category.

12. The contention of the petitioners is largely based upon judgment of a Co-ordinate Bench of this Court in case of **Bharat Kumar Choudhary versus Union of India** (supra) wherein a Co-ordinate Bench has considered the legislative history with respect to the reservation to More Backward Classes (MBC). For ready reference, we are reproducing certain paragraphs from said judgment as under:-

"29. The State of Rajasthan enacted an Act called, "the Rajasthan Schedule Castes, Scheduled Tribes, Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2008 (hereinafter referred to as 'the Act of 2008'). Said Act was enacted with a view to provide for reservation of seats in educational institutions and appointments and posts in the services under the State in favour of the Scheduled Castes, Scheduled Tribes, Backward Classes,



Special Backward Classes and Economically Backward Classes.

30. The driving force behind bringing in this Act was that despite availability of reservation to Scheduled Castes, Scheduled Tribes and Other Backward Classes, certain backward classes, viz., Banjaras, Gadiya Lohars, Gujars and Raikas needed special treatment in view of their being extremely backward – educationally and socially.

31. The Preamble of the Act of 2008 stipulates that after careful consideration and looking to the extraordinary situation, the State decided that the existing reservation in admission to educational institutions in the State and in appointment in the services under the State for the persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes should be continued with the modification that extremely backward classes, like the banjaras, gadiya lohars, gujars and raikas should be provided reservation as a separate special backward class.

32. The expression "Special Backward Class" was defined in clause (h) of Section 2 of the Act of 2008, which reads thus:-

"Special Backward Class means classes declared as such by the State Government, by notification in the official gazette."

33. Section 3 of the Act of 2008 provided reservation of seats in educational institutions in State, as under:-

- | | |
|-----------------------------------|-------|
| (i) Scheduled Castes | : 16% |
| (ii) Scheduled Tribes | : 12% |
| (iii) Backward Classes | : 21% |
| (iv) Special Backward Classes | : 5% |
| (v) Economically Backward Classes | : 14% |

Explanation.- The above classification shall be mutually exclusive.

34. The aforesaid provision granting benefit of reservation to Special Backward Classes to the extent of 5% came under judicial scrutiny and the same was held unconstitutional by this Court in the case of Captain Gurvinder Singh & Ors. Vs. State of Rajasthan, reported in 2011(1) WLC 586.

35. Another enactment in the name of Rajasthan Backward Classes (Reservation of Seats in Educational Institutions in the State and Appointments and Posts in Services under the





State) Act, 2017 (hereinafter referred to as 'the Act of 2017') came to be promulgated by the State, which received the assent of the Governor of the State on 08.11.2017. The Act came to be published in the official gazette on 17.11.2017, from which date it became operative by virtue of sub-section (3) of Section 1 of the Act of 2017. The preamble of the Act of 2017 records thus:-

"And whereas, looking to the recommendations made by the Rajasthan State Commission for Backward Classes, from time to time, it is expedient that the extremely backward classes within the backward classes like the Banjara/Baldiya/Labana, Gadiya Lohar/Gadoliya Gujar/Gurjar, Raika/Rebari/Debasi, Gadariya/Gadri/Gayari **should be classified within backward classes as a separate category as more backward classes and they should be given special care and** protection for their rapid educational and social advancement."

36. It will not be out of place to reproduce relevant expressions duly defined in Section 2 of the Act of 2017:-

"(a) 'backward classes' means the backward classes as defined in the Rajasthan Scheduled Castes, Scheduled Tribes and Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institution in the State and of Appointments and Posts in Services under the State) Act, 2008.

(d) 'more backward classes' means the backward classes specified in the Schedule."

Schedule

S.No.	Classes
1.	Banjara, Baldiya Labana
2.	Gadiya Lohar, Gadoliya
3.	Gujar, Gurjar
4.	Raika, Rebari, Debasi
5.	Gadariya, Gadri, Gayari

37. Section 3 of the Act of 2017 provides reservation of seats in educational institutions in the State, which reads thus:-

"3. Reservation of seats in educational institutions in the State.-(1) The



reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for the more backward classes shall be such percent of the annual permitted strength as may be notified by the State Government from time to time.

Provided that every notification issued under this sub-section shall be laid, as soon as may be, after it is so issued, before the House of the State Legislature and the provisions of sub-section (2) of section 6 shall mutatis mutandis apply to such notification.

(2) Notwithstanding anything contained I sub-section (1), persons belonging to creamy layer shall not be eligible for consideration against the reserved quota of seats in any educational institution in the State."

38. The Act of 2017 provided that reservation to more backward classes shall be such percent of the annual permitted strength as may be notified by the State Government, subject however to the condition that such notification shall be laid, as soon as may be, after it is issued, before the House of the State.

39. It is to be noted that the Act of 2017 used expression "more backward classes", synonymous to "special backward class" as used in the Act of 2008.

40. It is noteworthy that initially 1% reservation to special backward classes was given by way of notification dated 21.12.2017. However considering the same to be insufficient, an amendment was introduced in the Act of 2017 by way of Rajasthan Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) (Amendment) Act, 2019 (hereinafter referred to as 'the Amendment Act of 2019'), which received assent of the Governor on 13.02.2019 and came into effect at once. Section 2 of the Amendment Act of 2019 amended Section 3 of the Act of 2017 in the manner that reservation to more backward classes has been provided as 5% straightway instead of providing the same by way of notification. It will not be out of place to





reproduce Section 2 of the Amendment Act of 2018, which reads thus:-

"2. Amendment of section 3, Rajasthan Act No.38 of 2017.- For the existing sub-section (1) of section 3 of the Rajasthan Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2017 (Act No.38 of 2017), hereinafter in this Act referred to as the principal Act, the following shall be substituted, namely:-

“(1) The reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for the More Backward Classes shall be five percent.”

41. An obvious incongruity arose as a result of use of two separate expressions – “special backward classes” in the Act of 2008 and “More Backward Classes” used in the Act of 2017. In a bid to overcome this anomaly, a notification dated 19.02.2019 came to be published, providing that the existing expression “special backward classes”, wherever occurring, shall be substituted by the expression “more backward classes”.

42. It is pertinent to note that all the castes mentioned in Schedule or definition in Section 2(f) of the Act of 2017, as more backward classes are already covered within the bounds of backward classes (OBCs), by virtue of notification(s) published by the State from time to time. In other words, the persons belonging to more backward classes, such as banjaras, gadiya lohars, gujar, raikas, etc. are nevertheless included in “Other Backward Classes” and such inclusion continues as such, notwithstanding the promulgation of Act of 2017 and its amendment in 2019.

43. In the backdrop of aforesaid, if the question at hands is examined, it can be safely held that notwithstanding creation of a separate class, persons belonging to more backward classes, do not get uprooted from the ambit of Backward Classes.

44. A careful reading of the preamble of the Act of 2017, particularly the highlighted portion thereof (reproduced in earlier part of judgment), shows





that the classes like banjaras, gadiya lohars, gujars, raikas etc. have been classified as a separate category as more backward classes within backward classes.

45. The definition of backward classes contained in clause (a) of Section 2 is of great significance for determination of the question under consideration. A perusal of Section 2(a) suggests that the term "backward classes" is an inclusive expression and it takes into its fold backward classes as defined in clause (a) of Section 2 of the Act of 2008. Section 2(a) of the Act of 2008 defines "Backward Classes" as the classes, declared as such by the State Government.

46. A close and conjoint reading of the provisions contained in clauses (a) and (d) of Section 2 clearly indicates that the persons belonging to more backward classes, such as banjaras, gadiya lohars, gujars, raikas, etc. though have been carved out as more backward classes, but have not been taken out bodily and thus continue as backward classes.

47. In the opinion of this Court, more backward classes is a specie of genus backward classes.

48. "More Backward Classes" are like relatively weaker sapplings, that are planted strategically in a bed, so that they can have better watering and appropriate exposure to sunlight in a bid to ensure fructification equal to the healthy sapplings - such sapplings cannot be denied the room or place in the bed and other nourishment, simply because of their strategic location. The fact that their roots are firmly grounded in one common bed of a common crop cannot be lost sight of.

49. On similar lines, all persons belonging to more backward classes belong to the larger strata called backward classes; every person hailing from "More Backward Classes" is equally a member of backward class, but vice-a-versa is not true. A person belonging to more backward classes (MBC) is, therefore, required to be considered against the seats/ vacancies reserved for other backward classes (OBC).

50. The 5% reservation vertically provided to the MBC Category is to operate in the manner that MBC Category candidate will firstly be considered against the Open (General) Category, then OBC





Category and thereafter he/she will be entitled for the applicable 5% reservation separately provided for such category

53. It is held that notwithstanding migration of MBC Category candidates in the OBC Category, the requisite reservation of 5% seats to the MBC Category has to be ensured. Reservation to MBC Category is though exclusive but vis-à-vis OBC Category, it is inclusive, in the sense that if some candidate(s) has/have migrated to OBC/OBC-PwD Category, the State will have to ensure that additional 5% seats are kept allotted/allocated to MBC-PwD Category Candidates.

54. Hence, PwD reservation, which is horizontal in nature, though is not transferable as a matter of course, but in case of OBC and MBC, it is transferable, given the fact that MBC is not a separate category, but class, sprouted within the class viz., Backward Classes, having its feet firmly entrenched in the Book Word Class.

57. It is true that not only the provisions of the Act of 2017 (after amendment) provide for 5% reservation to the more backward classes and a separate reservation is available for persons with disability in each of the category; but in considered opinion of this Court, More Backward Class (MBC) instead of being a separate class, is a category within the class, namely "backward classes" and as such, the action of the respondents, in considering candidature of Durgalal Gujar and Anita Kumari hailing from MBC NCL (PwD) Category against the OBC NCL (PwD) category as they had secured more marks than the cut-off of OBC, cannot be said to be illegal."

13. Learned Senior Advocate appearing on behalf of the petitioners has submitted that on 27th April 2022, the respondents have issued a select list clearly defining category of the candidates and also of selected category. He also submitted that the entire selection was subject to decision of certain writ petitions, but the respondents, without order of any Court, have changed the selection process and criteria and that too contrary to





the reservation policy of the State and issued a fresh list after withdrawing earlier list dated 27-04-2022 (Annexure-5). He also submitted that the subsequent list dated 02-05-2022 (Annexure-6), is contrary to all settled norms and also against the provisions of the Rajasthan Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2017 (hereinafter referred as 'the Act of 2017'). He referred Section 2(a) & (d) of the Act of 2017 and submitted that it provides definition of Backward Classes (BC) and More Backward Classes (MBC). He also referred Sections 3 and 4 of the Act of 2017 and submitted that specific reservation has been provided under the law. He also referred subsequent amended Act of 2019 and further submitted that the reservation for MBC was fixed at 5%, above the reservation meant for OBC and currently it is 5% and the petitioners are claiming reservation under the Backward Classes category, in particular MBC.

14. Learned Senior Advocate has further referred order dated 25th June 2020 issued by Director, College Education, Rajasthan and Admission Policy to reflect reservation applicability for MBC & OBC and submitted that it has been made clear in point number 6.1.2 that MBC has been included in BC which means 5% reservation is separate than what has been considered by the respondents in revised list dated 2nd May 2022. He further submitted that after filling of vacancies in MBC category, the petitioners are entitled for consideration of their candidature in OBC/BC category but respondents have failed to provide reservation for said category. He also referred consistent policy decision about said category, in particular by College Education



department and submitted that the reservation policy as promulgated by the State was correctly implemented in list dated 17.04.2022 but in the instant case, the respondents have deliberately and wrongfully denied the chance of appointment to the petitioners. Therefore, they are entitled to a writ against respondents to implement reservation in relation to OBC/BC and MBC category.

15. Aforesaid contentions were opposed by learned counsel appearing on behalf of the respondents and he specifically referred recruitment result dated 11th February 2025 and 11th November 2025 issued by the Rajasthan High Court and submitted that MBC is a different category than OBC, and MBC-NCL category is not included in OBC. He submitted that the object behind the Act of 2017 and further amendment in 2019, clearly indicate that the respondents have rightly implemented the scheme by issuing a revised list on 2nd May 2022 (Annexure-6). He also placed reliance upon Sections 3 and 4 of the Act of 2017 and submitted that they have given proper representation to every category of candidate. He also placed reliance upon his reply and also the documents submitted by him.

16. Admittedly, the petitioners belong to MBC category but after issuance of revised list on 2nd May 2022 (Annexure-6), the names of the petitioners were removed from earlier select list dated 17th April 2022 (Annexure-5). The petitioners have claimed that the reservation policy should be made applicable in the manner that, firstly, the candidates are required to be considered against open category, then against OBC, and later in the form of MBC.



17. The respondents have placed reliance upon provision of the Act of 2017 and further notification dated 17th November 2017 and amended notification dated 13th February 2019, whereby the provisions of the Act of 2017 were amended. The respondents have mentioned that the petitioners, being members of MBC, have claimed MBC reservation, therefore, they can only be considered in MBC category, which is a separate and distinct category of reservation. It has been mentioned in the reply that the petitioners cannot claim reservation against 21% posts reserved for OBC. A specific reference of para 524, 802, 803 of judgment in case of **Indra Sawhney vs Union of India** reported in **(1992) Supplementary 3 SCC 217** is made and for ready reference, we are reproducing these paragraphs as under:-

"524. It may be pointed out that in Vasanth Kumar (1985 Supp SCC 714: 1985 Supp 1 SCR 352] Chinnappa Reddy, J after referring to the aforesaid view in Balaji (1963 Supp 1 SCR 439: AIR 1963 SC 649] observed that the propriety of such test may be open to question on the facts of each case but there was no reason why on principle there cannot be a classification into Backwards and More Backwards if both classes are not merely a little behind, but far far behind the most advanced classes. He further observed that in fact, such a classification would be necessary to help the more backward classes; otherwise those of the backward classes who might be a little more advanced than the more backward classes, would walk away with all the seats just as if reservation was confined to the more backward classes and no reservation was made to the slightly more advanced of the backward classes, the backward classes would gain no seats since the advanced classes would walk away with all the seats available for the general category. With respect, this is the correct view of the matter. Whether the backward classes can be classified into Backward and More Backward, would depend upon the facts of each case. So long as



both backward and more backward classes are not only comparatively but substantially backward than the advanced classes, and further, between themselves, there is a substantial difference in backwardness, not only it is advisable but also imperative to make the sub-classification if all the backward classes are to gain equitable benefit of the special provisions under the Constitution." (emphasis supplied)

(Relevant portion only)

802. We are of the opinion that there is no constitutional or legal bar to a State categorizing the backward classes as backward and more backward. We are not saying that it ought to be done. We are concerned with the question if a State makes such a categorisation, whether it would be invalid? We think not. Let us take the criteria evolved by Mandal Commission. Any caste, group or class which scored eleven or more points was treated as a backward class. Now, it is not as if all the several thousands of castes/groups/classes scored identical points. There may be some castes/groups/classes which have scored points between 20 to 22 and there may be some who have scored points between eleven and thirteen. It cannot reasonably be denied that there is no difference between these sets of castes/groups/classes. To give an illustration, take two occupational groups viz., gold-smiths and vaddes (traditional stone-cutters in Andhra Pradesh) both included within Other Backward Classes. None can deny that gold-smiths are far less backward than vaddes. If both of them are grouped together and reservation provided, the inevitable result would be that gold-smiths would take away all the reserved posts leaving none for vaddes. In such a situation, a State may think it advisable to make a categorisation even among other backward classes so as to ensure that the more backward among the backward classes obtain the benefits intended for them. Where to draw the line and how to effect the sub-classification is, however, a matter for the Commission and the State and so long as it is reasonably done, the Court may not intervene. In this connection, reference may be made to the categorisation





obtaining in Andhra Pradesh. The Backward Classes have been divided into four categories. Group-A comprises of "Aboriginal tribes. Vimukta jatis. Nomadic and semi-nomadic tribes etc.". Group-B comprises professional group like tappers, weavers, carpenters, ironsmiths, goldsmiths, kamsalins etc. Group-C pertains to "Scheduled Castes converts to Christianity and their progeny", while Group-D comprises of all other classes/communities/groups, which are not included in groups A, B and C. The 25% vacancies reserved for backward classes are sub-divided between them in proportion to their respective population. This categorisation was justified in Balram (1972) 3 S.C.R. 247 AT 286. This is merely to show that even among backward classes, there can be a sub-classification on a reasonable basis. (emphasis supplied)

803. There is another way of looking at this issue. Article 16(4) recognizes only one class viz., "backward class of citizens". It does not speak separately of Scheduled Castes and Scheduled Tribes, as does Article 15(4). Even so, it is beyond controversy that Scheduled Castes and scheduled Tribes are also included in the expression backward class of citizens and that separate reservations can be provided in their favour. It is a well-accepted phenomenon throughout the country. What is the logic behind it? It is that if Scheduled Tribes, Scheduled Castes and Other Backward Classes are lumped together, OBCs will take away all the vacancies leaving Scheduled Castes and Scheduled Tribes high and dry. The same logic also warrants categorization as between more backward and backward. We do not mean to say we may reiterate that this should be done. We are only saying that if a State chooses to do it, it is not impermissible in law."

18. Issue of implementation of reservation policy was also considered by a three-Judge Bench of Hon'ble Supreme Court in case of **State of Tamil Nadu and others vs. K. Shobana, etc. etc.: Civil Appeals No. 3745-3754 of 2020**, decided on 05.03.2021. The principle is, firstly, the open category seats have





to be filled up on basis of merits and thereafter the respective categories. In the instant case, the respondents have specifically mentioned that the candidates claiming MBC are entitled to claim reservation against the MBC category and not under the OBC category.

19. Admittedly, the Act of 2017 was amended by Amendment Act 2019, and both were submitted by learned counsel for the respondents. Sections 3 and 4 of the Act of 2017 are reproduced as under:-

"3. Reservation of seats in educational institutions in the State.-

(1) The reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for the more backward classes shall be such percent of the annual permitted strength as may be notified by the State Government from time to time:

Provided that every notification issued under this subsection shall be laid, as soon as may be, after it is so issued, before the House of the State Legislature and the provisions of subsection (2) of section 6 shall mutatis mutandis apply to such notification.

(2) Notwithstanding anything contained in subsection (1), persons belonging to creamy layer shall not be eligible for consideration against the reserved quota of seats in any educational institution in the State.

4. Reservation of appointments and posts in the services under the State.-

(1) The reservation of appointments and posts in the services under the State for the more backward classes shall be such percent of the appointments and posts in services under the State as may be notified by the State Government from time to time:

Provided that every notification issued under this subsection shall be laid, as soon as may be, after it is so issued, before the House of



the State Legislature and the provisions of subsection (2) of section 6 shall mutatis mutandis apply to such notification.

(2) Notwithstanding anything contained in subsection (1), persons belonging to creamy layer shall not be eligible for consideration against the reserved quota in the appointments and posts under the State."

20. Thereafter, by way of Amended Act of 2019 (the notification dated 13th February 2019), the reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State was fixed as 5%, and the amended provision is reproduced as under:-

"2. Amendment of section 3, Rajasthan Act No.

38 of 2017:- For the existing sub-section (1) of section 3 of the Rajasthan Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2017 (Act No. 38 of 2017), hereinafter in this Act referred to as the principal Act, the following shall be substituted, namely:-

"(1) The reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for the More Backward Classes shall be five percent."

3. Amendment of section 4, Rajasthan Act No.

38 of 17.- For the existing sub-section (1) of section 4 of the principal Act, the following shall be substituted, namely :-

"(1) The reservation of appointments and posts in the services under the State for the More Backward Classes shall be five percent."

21. The amendment in Section 3 of the Act of 2017 and Section 4 of the Act of 2017 clearly indicate that the total limit for MBC category, which in normal circumstances referred as MBC-NCL



would be fixed at 5%. Nowhere it has been prescribed that any MBC-NCL category first be treated as OBC and after filling up of OBC category, they will be considered against MBC-NCL category. The category of reservation is specifically prescribed for MBC-NCL and same is not a subject category within OBC, rather it is a separate category.

22. In case of **State of Tamil Nadu and others vs. K. Shobana, etc. etc.** (supra), Hon'ble Supreme Court has referred a legal maxim "a verbis legis non est recedendum" which means "from the words of law, there must be no departure". There could be no assumption that a legislature committed a mistake when the language of the statute was plain and ambiguous.

23. Herein, a specific percentage of reservation has been prescribed by way of Amended Act of 2019. Thus, MBC candidates cannot claim any reservation in any other category other than open category which is available for all meritorious candidates, as open category is not a reservation.

24. Having considered the reservation policy, the Rajasthan High Court has amended rules and accordingly made recruitment to various posts, and notification dated 11th February 2025 and 11th November 2025 clearly indicate that MBC and OBC-NCL was given a specific category.

25. If the petitioners have been erroneously considered in MBC-NCL category, in earlier list, resulting in that persons from higher merit left out, then the respondents have a right to revise the result and the list. The reply filed by the respondents clearly indicate that due to certain errors, the policy was wrongly applied



at initial occasion, but later same was corrected and accordingly a revised list was issued on 2nd May 2022 (Annexure-6).

26. An additional affidavit is filed on behalf of the respondents pursuant to order dated 03.12.2025, which also indicate that the candidates who were initially considered against OBC category were considered for MBC category in subsequent list, but due to change in cut-off marks, the petitioners were ousted from the selection process. We have considered the affidavit as submitted by the learned counsel for the respondents.

27. Having considered the entire material on record and also the judgment in case of **Bharat Kumar Choudhary versus Union of India** (supra), we are of the considered view that the case of the petitioners is based upon a notification and policy issued by the Director of College Education for admission in various academic courses and not upon the Amended Act of 2019, thus, the petitioners have failed to show any ground to claim benefit of judgment in case of **Bharat Kumar Choudhary versus Union of India** (supra), which was in fact based on NEET selection process in PwD category. Thus, the petitioners have failed to prove their case. The respondents has rightly revised the result by issuing a revised selection list on 2nd May 2022 (Annexure-6).

28. In view of discussion made herein above, the S.B. Civil Writ Petition Nos. 7762/2022, 7037/2022, 7465/2022, 7467/2022 and 10797/2022 are hereby dismissed with pending applications, if any.

29. No order as to costs.

(ASHOK KUMAR JAIN),J

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