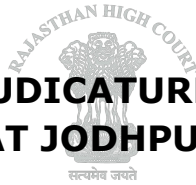




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JODHPUR**



S.B. Civil Writ Petition No. 12369/2026

CNR: RJHC010551562026 | URN: CW / 22428U / 2026

Ashok Kumar S/o Shri Jagdish Lal, Aged About 45 Years,  
Presently Working As Constable (Band), Belt No.35, Rajasthan  
Police, Presently Posted At Police Commissionerate, Jodhpur,  
Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Home  
Department, Government Of Rajasthan, Secretariat,  
Jaipur.
2. Director General Of Police, Rajasthan, Police  
Headquarters, Jaipur.
3. Addition Director General Of Police, (Recruitment And  
Promotion Board), Rajasthan, Jaipur.
4. Police Commissioner, Jodhpur, Commissionerate, Jodhpur.
5. Deputy Commissioner Of Police, (Headquarters And  
Traffic), Jodhpur Commissionerate, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Ajay Kumar Augustine  
For Respondent(s) : Mr. Raj Singh Bhati

**HON'BLE MR. JUSTICE SAMEER JAIN**

**Judgment**

**23/09/2026**

1. The present petition is filed seeking the following relief:

*"i. Issue an appropriate writ, order or direction in the nature of Certiorari and thereby call for the entire record pertaining to the promotion process for the post of Head Constable (Band) for the promotion years 2018-19, 2019-20 and 2020-21, including the seniority lists, applications received, proceedings of the Selection Board, written examination records, outdoor test records, interview proceedings, selection lists and promotion orders, and after examining the legality thereof, be pleased to quash and set aside the impugned action of the respondents whereby the petitioner, despite being senior, eligible and fully qualified, has been*



*illegally excluded from consideration and deprived of promotion while his juniors have been considered and promoted.*

*ii. Issue an appropriate writ, order or direction in the nature of Mandamus directing the respondents to consider and treat the petitioner as entitled for promotion to the post of Head Constable (Band) against the vacancies of the promotion year 2018-19 and subsequent promotion years on the basis of his position in the revised permanent seniority list dated (Annor 1) 21.05.2026 and in accordance with the provisions of the Rajasthan Police Subordinate Service Rules, 1989 and the applicable standing orders governing promotions in the Band cadre. The respondents may further be directed to convene a Review Selection Board/Review Departmental Promotion Committee and reconsider the candidature of the petitioner against the vacancies of the relevant promotion years after taking into account his seniority, eligibility and service record.*

*iii. To declare the action of the respondents in considering and promoting employees admittedly junior to the petitioner while excluding the petitioner from the zone of consideration as arbitrary, discriminatory, unreasonable, violative of Articles 14 and 16 of the Constitution of India and contrary to the settled principles governing public employment and promotion. The respondents may consequently be directed to review the entire selection and promotion exercise undertaken for the promotion years 2018-19, 2019-20 and 2020-21 and to rectify the illegality committed in the matter of consideration of eligible candidates.*

*iv. It is further prayed that upon reconsideration and review, if the petitioner is found suitable, the respondents be directed to grant him promotion to the post of Head Constable (Band) with effect from the date on which his immediate junior came to be promoted, together with all consequential benefits including notional seniority, fixation of pay, arrears of salary and allowances, continuity of service, pensionary benefits, retiral benefits and all other service benefits flowing therefrom. The respondents may further be directed to revise the seniority position of the petitioner in the promotional cadre accordingly and extend to him all benefits available to similarly situated promoted employees.*

*V. It is further prayed that during the pendency of the present writ petition, this Hon'ble Court may be pleased to direct the respondents to preserve the entire original record relating to the promotion exercises for the years 2018-19, 2019-20 and 2020-21 and further direct the respondents to keep one post of Head Constable (Band) vacant or, in the alternative, create and maintain one supernumerary post so that the rights of the petitioner are not rendered illusory and the writ petition does not become infructuous by reason of subsequent events."*

2. Having heard the learned counsel for the respective parties and upon a perusal of the record, it is an admitted fact that the petitioner is 'government servants' as prescribed under Section





2(c) of the Rajasthan Civil Services (Service Matters Appellate Tribunals) Act, 1976 (for short, 'the Act of 1976').

3. The *lis* in question, which pertains to the dispute of seniority and promotion, squarely falls under the definition of 'service matters' as prescribed under Section 2(f) of the Act of 1976, which has been given a wide interpretation by the Division Bench of this Court vide judgment dated 25.05.2022 passed in **D.B.S.A.W. No. 662/2022** titled **Jahangir Ali Khan vs. State of Rajasthan & Anr.**

4. Learned counsel for the petitioner contends that although a statutory remedy is available before the learned Rajasthan Civil Services Appellate Tribunal (for short 'RCSAT'), the said remedy is presently not efficacious.

5. *Per contra*, Mr. Raj Singh Bhati, learned counsel appearing for the respondents, submits that the learned RCSAT will be made functional within a period of next 15 days by the appointment of the concerned members.

6. This Court is conscious of the fact that the exercise of writ jurisdiction is fundamentally discretionary in nature. The limitations placed on the Court's decision to exercise or refuse to exercise its writ jurisdiction are self-imposed. Although learned counsel for the petitioner rightly contends that the existence of an alternate remedy, whether adequate or not, does not create an absolute bar on the maintainability of a writ petition, nor does it alter the fundamentally discretionary nature of writ jurisdiction, it remains a discretion nonetheless. Therefore, since an alternate and efficacious remedy is available to the petitioners, and noting the submission that the learned RCSAT shall be functional shortly,





this Court is not inclined to exercise its extraordinary writ jurisdiction in the present facts and circumstances.

7. In light of the aforesaid observations, the petitioner is granted liberty to approach the learned RCSAT for the redressal of his grievances.

8. If the petitioner files an appropriate appeal/application before the learned RCSAT within a period of a 15 working days from the date of learned RCSAT being functional, the learned RCSAT is directed to consider and adjudicate the same on its own merits as expeditiously as possible, preferably within a period of three months from the date of its institution.

9. Needless to say, no prejudice shall be caused to either side based on any observations made hereinabove.

10. Accordingly, the present writ petition stands disposed of. Pending application(s), if any, shall also stand disposed of.

(SAMEER JAIN),J

28/Raksha Rakhecha